

SUMMARY: The Applicant was discharged on 22 April 2022 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Under Honorable Conditions (General) Service Characterization for Misconduct – (Drug Abuse). The Applicant requested an upgrade of their Service Characterization and a change to the Reentry Code.

The Applicant requested the Board be completed based on a Record Review. The Board was conducted on 12 March 2026. The Applicant was not represented by counsel.

The attached examiner's brief (provided to Applicant only), extracted from available service records, contains pertinent data regarding the circumstances and character of the Applicant's military service.

DISCUSSION: The Discharge Review Board (DRB), under its responsibility to examine the propriety and equity of an Applicant's discharge, is authorized to change the Characterization of Service and the Narrative Reason for discharge if such changes are warranted. If applicable, the Board can also change the Applicant's Reentry Code. In reviewing discharges, the Board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to rebut the presumption, including evidence submitted by the Applicant. The Board thoroughly reviewed the circumstances that led to the discharge and the discharge process to determine if the discharge met the pertinent standards of equity and propriety.

The DRB provided a notice to inform the service member of resources available to help answer their questions about the application process and/or to help them supplement their application, to include information on the types of evidence that can be submitted to support a claim; information regarding potential eligibility for mental health treatment and evaluation services offered by the Department of Veterans Affairs (VA); general information regarding Veterans Service Organizations that may assist with DRB applications, and their right to retain counsel; a link to a database of legal services organizations that serve members of the military, veterans, and their families; the weblink to the VA's Directory of Veteran's Service Organizations; and information regarding reasonable accommodation requests from the DRB in the application and adjudication process.

The Applicant's record of service included an Article 15, Uniform Code of Military Justice (UCMJ) for possession of false identification cards and wrongful use of Tetrahydrocannabinol (THC).

The documentary evidence the Board considered as part of the review includes, but is not limited to the DD Form 293, *Application for the Review of Discharge from the Armed Forces of the United States*, and any additional documentation submitted by Applicant and/or counsel; the Applicant's personnel file from the Automated Records Management System (ARMS); and the DRB Brief detailing the Applicant's service information and a summary of the case.

The Applicant contended that their discharge was implemented based on an incident that involved their ex-wife being arrested for domestic violence. The Applicant claimed the effects of their mental health and the abusive situation they were in were not taken into consideration during the discharge action and decision. The Applicant further claimed they were suffering from intense partner/domestic violence and abuse and also suffered from depression and anxiety.

Upon review of the Applicant's service record, the Board was not able to find any documentation regarding the discharge. However, the record does contain an Article 15 the Applicant received for possession of false identification cards and wrongful use of THC. The Applicant was discharged with a General service characterization for Misconduct (Drug Abuse). The applicant submitted their VA Benefits Letter and supporting documents submitted with their claim. The Applicant has been diagnosed with service-connected

adjustment disorder with mixed anxiety and depressed mood and given a 30% disability rating. The applicant also submitted medical records from a civilian mental health provider indicating they were in treatment prior to the discharge.

LIBERAL CONSIDERATION: Due to the Applicant's contentions or evidence of a mental health diagnosis and/or experiences of sexual assault or sexual harassment and/or records documenting that one or more symptoms of mental health conditions and/or experiences of sexual assault or sexual harassment existed/occurred during military service found in the Applicant's record, the Board considered the case based on the liberal consideration (LC) standards required by guidance from the Office of the Under Secretary of Defense for Personnel and Readiness and 10 USC §1553. The Board included a member who is a physician, clinical psychologist, psychiatrist or social worker with training on mental health issues connected with post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI) or other trauma. Specifically, the Board reviewed the four questions the Under Secretary of Defense provided that Boards should consider when weighing evidence in requests for modification of discharges due in whole or in part to mental health conditions, including PTSD: TBI, sexual assault, and sexual harassment. The Board considered the following:

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?

The Applicant contended his discharge was implemented based on one day that resulted in their ex-wife's arrest for domestic violence. The Applicant contended they had a history of excellent, motivated service, but the effects of their mental health, and abusive situation were not sufficiently taken into consideration during the discharge decision. The Applicant further contended during and prior to the decision of the discharge, they suffered from intimate partner/domestic violence and abuse. This included verbal, emotional, and physical abuse. This, coupled with mental health conditions including depression and anxiety, are reasons the Applicant believes their request for an upgrade should be granted.

2. Did that condition exist/experience occur during military service?

The Board considered Department of Defense guidance that states a determination made by the Department of Veterans Affairs (VA) that a veteran's mental health condition, including PTSD; TBI [Traumatic Brain Injury]; sexual assault; or sexual harassment is connected to military service, while not binding on the Department of Defense, is persuasive evidence that the condition existed or experience occurred during military service. In this case, the Applicant received a rating of 30% from the VA for Chronic Adjustment Disorder. Consequently, the Board is persuaded that the Applicant has Chronic Adjustment Disorder, and the condition existed during military service.

A review of the Applicant's available treatment records revealed the Applicant was never diagnosed with a mental health disorder by military providers during their time in service. Following a domestic violence incident, the Applicant was referred to the Family Advocacy Program (FAP). During this incident, authorities discovered that the Applicant used marijuana and this information was forwarded to the Applicant's unit. As a result, the Applicant was also referred to the Substance Use Disorder Clinical Care (SUDCC) program. During the SUDCC assessment, it was determined that the Applicant did not meet criteria for a formal substance use diagnosis. The SUDCC provider diagnosed the Applicant with Cannabis Use, Unspecified, Uncomplicated and enrolled them in a substance education group. Regarding the Applicant's referral to FAP, the couple briefly engaged in marital therapy within FAP and the Applicant was diagnosed with Marital Problems and Adult victim of physical abuse by partner.

Additionally, the Applicant provided excerpts from medical records that revealed, they used their Tricare benefit to obtain community mental health treatment through a civilian provider, and the Applicant was seen for five sessions. The treatment focused on processing the Applicant's marital relationship as it moved toward divorce, as well as focusing on stressors related to the Applicant's pending administrative discharge from the Air Force. The civilian mental health provider diagnosed the Applicant with Adjustment Disorder, Unspecified.

3. Does that condition, or experience actually excuse or mitigate the discharge?

A review of the Applicant's military personnel record revealed the Applicant's discharge package was not available for review. A review of the available records revealed the Applicant was offered Article 15 Non-Judicial Punishment (NJP) for wrongful possession of multiple false identification cards and wrongful use of THC. The Applicant contended their discharge was based on one day that resulted in their wife's arrest for domestic violence. However, the Applicant's narrative reason for discharge was Misconduct (Drug Abuse). While it is accurate that the day law enforcement responded to the Applicant's home and arrested the wife for domestic violence is also the day the Applicant's use of marijuana came to light, the Applicant's contention, as written, is not accurate. Specifically, there is insufficient evidence that the wife's arrest for domestic violence was a causal or mitigating factor in the Applicant's misconduct or subsequent discharge.

The Applicant also contended the abusive situation they were in, and the impact on their mental health was not sufficiently taken into consideration during the discharge process. As previously noted, most of the Applicant's discharge package was not available for review. The Board is not an investigative body and presumes regularity in the conduct of governmental affairs. This means that, absent evidence to the contrary, the Board presumes that military and civilian personnel involved in a member's discharge carried out their duties correctly, lawfully, and in good faith. The Applicant bears the burden of providing evidence to overcome this presumption, and the Board will only grant relief if it determines there is sufficient evidence to conclude the Applicant's discharge was not proper or equitable in accordance with Enclosure 4 of DoDI 1332.28.

Regarding the Applicant's contention that Intimate Partner Violence/Domestic Violence and Other Mental Health were issues/conditions related to their misconduct, a review of available records shows ample evidence that the Applicant was a victim of Domestic Violence. Additionally, the Applicant's treatment through the civilian mental health provider that briefly treated them resulted in an Adjustment Disorder diagnosis so, as previously noted, there is clear evidence that the Applicant had this mental health diagnosis during their time in service. However, there is insufficient evidence of a nexus between the Applicant's mental health condition or status as a victim of domestic violence and the misconduct that led to the discharge. A review of available records revealed that during the Applicant's SUDCC assessment the Applicant revealed that approximately four weeks prior to the police responding to the domestic violence incident, the couple had a friend stay with them for one to two weeks and this friend had her child with her. The Applicant added that due to this situation they "started getting stressed out and decided to smoke a vape containing marijuana." Thus, it appears the Applicant's misuse of marijuana was an act of willful misconduct and was not excused or mitigated by a mental health condition or experience.

Overall, there is insufficient evidence that the Applicant's mental health condition, or experience as a victim of domestic violence, substantially contributed to, excused, or mitigated the misconduct that led to the Applicant's discharge from the Air Force.

4. Does that condition, or experience outweigh the discharge?

Since the condition does not mitigate the discharge, it also does not outweigh the discharge.

Additionally, the Board considered the factors laid out in the attachment to the Under Secretary of Defense memorandum, *Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations*, dated 25 June 2018, known as the "Wilkie Memo." The Board considered the factors listed in paragraphs (6)(a)-(6)(l) and (7)(a)-(7)(r) of this memorandum. Given the short amount of time the Applicant was in the service compared to his misconduct, and the lack of any positive post-service evidence, the Board found no basis for a discharge upgrade based on inequity or impropriety.

FINDING AND CONCLUSION: After a thorough review of the available evidence, to include the Applicant's issues, summary of service, service/medical record entries, and discharge process, the Board found

the discharge was proper and equitable. The DRB voted unanimously to **deny** the Applicant's request. Therefore, the awarded Service Characterization shall remain "Under Honorable Conditions (General)" and the Reentry Code shall remain 2B. The DRB also voted unanimously to **deny** changing the Narrative Reason for separation, therefore the Narrative Reason shall remain Misconduct – (Drug Abuse). The DRB results were approved by the Presiding Officer on March 18, 2026.

Should the Applicant wish to appeal this decision, they must request a personal appearance before this Board before applying for relief to the Air Force Board for Correction of Military Records (AFBCMR). In accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*, all Applicants before the AFBCMR must first exhaust available administrative avenues of relief before applying to the AFBCMR otherwise their AFBCMR case will be administratively closed until such time that the Applicant avails themselves of the available avenue of relief. Therefore, should the Applicant wish to appeal this decision, they must first exercise their right to make a personal appearance before the AFDRB.

Instructions on how to appeal an AFDRB decision can be found at <https://afrbaportal.azurewebsites.us>

Should the Applicant wish to appeal this decision, they must seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

Instructions on how to appeal an AFDRB decision can be found at <https://afrbaportal.azurewebsites.us>

If desired, the Applicant can request a list of the Board members and their votes by writing to:

Air Force Review Boards Agency
Attn: Discharge Review Board
3351 Celmers Lane
Joint Base Andrews, MD 20762-6435

Attachment:
Examiner's Brief (Applicant Only)