

**SUMMARY:** The Applicant was discharged on August 3, 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Under Honorable Conditions (General) Service Characterization for Misconduct – (Drug Abuse). The Applicant requested an upgrade of their Service Characterization.

The Applicant requested the Board be completed based on a Record Review. The Board was conducted on September 4, 2025. 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 the following documented misconduct leading up to their discharge:

- Article 15 for dereliction of performance, failed to refrain from using products containing delta 8 THC
- Letter of Reprimand for failing to report to PT
- Letter of Reprimand for operating a privately operated vehicle on base without a certificate of state vehicle registration and without proof of insurance
- Letter of Counseling for failing an official fitness assessment

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 stated that their discharge for misconduct (drug abuse) was linked to a childhood exposed to parental drug abuse. They stated that they used marijuana during their service to cope with stress and depression, a decision they regret. Despite this lapse, the Applicant claimed they believe their service record demonstrates their dedication and hard work. The Applicant stated their desire to continue serving is strong. However, their application to the Army was denied due to their characterization of service, and they are seeking a characterization upgrade to enable them to pursue education and contribute positively to their community.

The DRB determined the discharge was proper and equitable. A thorough review of the Applicant's records revealed they were discharged due to wrongful use of delta THC-8. The Applicant admitted in their interview with the Office of Special Investigations (OSI), that they willfully decided to smoke "red weed," a drug that was like weed. They researched and found that such drug did not test positive for THC or anything similar, so they purchased a cannabinal (CBD) vape for use which resulted in positive urinalysis test. In addition, a medical review did not show any records to support the Applicant's mental health condition of stress and depression had existed or occurred during their military service. They did not provide any supporting documentation with their application. Due to these reasons, the DRB denied the Applicant's request to upgrade their service characterization.

**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 marked "OTHER MENTAL HEALTH" on their application, DD Form 293, and contended, "The reason for separation is MISCONDUCT (DRUG ABUSE) and is related to my prior childhood of drug abuse, coming from both of my parents being drug abusers. I used drugs (Marijuana) during my service as a coping mechanism from stress and depression. I feel that it was a very impulsive decision and does not characterize my service at all. I was a very honest and hard working (sic) Airman, putting the mission first at all times. I have received awards for my hard work during my service and my peers would agree that I was honest and hard-working. I have since applied to join the Army to extend my service but was denied due to my characterization of service. I am looking to upgrade my characterization to attend school and become a better member of society."*

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

*A review of the Applicant's available service treatment revealed the Applicant did not receive any mental health treatment or a mental disorder diagnosis, including depression, during service. They were referred to the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) in April 2023 following their positive urinalysis for delta-8-tetrahydrocannabinol (THC). They deferred an evaluation from ADAPT at the advice of their legal counsel, but they did deny having any suicidal or homicidal ideation to the provider at ADAPT. There are no records confirming they completed an evaluation with ADAPT during service. The Applicant completed a periodic health assessment in September 2022 and a Separation Health and Physical Examination in July 2023 with their primary care manager and denied having any mental health issues, including having no anxiety, depression, or trauma symptoms. There are no records to support that the Applicant's mental health condition of stress and depression had existed or occurred during their military service.*

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

*The Applicant was discharged from service for willfully failing to refrain from using products containing delta-8 THC between March 2023 and April 2023. The Applicant was under investigation by the Office of Special Investigations (OSI) for their THC use and provided a written statement to OSI in April 2023. They reported that in April 2023, they had a few extra days off and decided that they wanted to smoke what was considered "red weed", a drug that was like weed. They said they did their research and found that the compound of this*

*weed did not test positive for THC or anything similar. They went off-base to a smoke shop and purchased a cannabinal (CBD) vape and headed back to their dorm. They then smoked the vape, sat in their room by themselves, and watched a movie. The following morning, there was a mass drug test, and they felt instantly guilty and threw the vape in the dumpster. They consulted one person about what they had done. When asked by the OSI agent what they considered “weed,” they responded that it was any derivative of weed, THC, or any chemically mass-related drug. From the Applicant’s statement at the time of service, they knowingly and willfully sought out a substance that they knew were prohibited because they felt guilty once they had to submit to a drug test. Their statement at the time-of-service contrasts with their contention for this petition. They contended that they were stressed and depressed, causing them to use THC; however, their statement to OSI reported that it was their day off, and they watched a movie after they used the substance. There is no evidence from their OSI statement that they were emotionally distressed or depressed at the time they used THC. Their statement to OSI does not suggest that they used weed, THC, or CBD to cope with their mental health condition. Furthermore, the Applicant admitted to researching the substance to make sure that they did not test positive for THC. Their action indicated that their act of using weed, THC, or CBD was intentional and was premeditated. They knew what they were doing at the time and took time to research the substance. Their premeditative behavior is not excused or mitigated by having a mental health condition, nor was it caused by having a mental health condition. Lastly, the Applicant contended that they were stressed and depressed by their prior childhood drug abuse/their parents’ drug use. Their trauma and mental health condition had existed prior to their military service, and no evidence that their military service aggravated their pre-existing condition. For these reasons, the Applicant’s mental health condition does not excuse or mitigate their discharge.*

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

*Since the Applicant’s mental health condition does not excuse or mitigate their discharge, their mental health condition also does not outweigh their 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 and found no evidence of 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), the Narrative Reason for separation shall remain Misconduct – (Drug Abuse), and the Reentry Code shall remain 2B. The DRB results were approved by the Presiding Officer on September 9, 2025.

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://afrbportal.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)