

SUMMARY: The Applicant was discharged on April 23, 2024 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 04, 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 wrongfully ingesting a product containing or derived from hemp

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 did not cite any impropriety or inequity in their discharge but instead is seeking leniency. They stated the incident leading to their discharge was isolated, a complete accident, and does not accurately reflect their overall service or character. The Applicant stated they are managing posttraumatic stress disorder (PTSD) and a serious heart condition which has presented significant challenges. However, they are seeking an upgrade to further their education and continue to contribute positively to society.

The DRB determined the discharge was proper and equitable. A thorough review of the Applicant's administrative records revealed the Applicant was discharged due to a positive urinalysis test of THC-8. During the discharge process, the Applicant stated they consumed a gummy but had no knowledge it contained THC-8. They maintained the incident was a mistake. The Commander considered the Applicant's entire military service record and decided their misconduct was incompatible with continued military service. The certificates

submitted as evidence by the Applicant were reviewed by their Command during the discharge process. The Applicant requested an upgrade to their discharge to gain access to their GI Bill, but this is not a matter of inequity or impropriety. The Board concluded that the negative aspects of the Applicant's service outweighed the positive contributions they made during their Air Force career.

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 "PTSD" for Posttraumatic Stress Disorder and "OTHER MENTAL HEALTH" on their application, DD Form 293, and contended, "I am writing to request an upgrade of my discharge status to honorable. Throughout my career in the Air Force, I maintained an exemplary record, earning accolades such as the Air and Space Commendation Medal. I consistently demonstrated dedication and excellence in my service. The incident leading to my discharge was a complete accident. An isolated occurrence and not reflective of my overall service or character. I have taken responsibility and learned from this experience with great humility. Currently, I am managing PTSD and a serious heart condition, which have presented significant challenges. Despite this, I am committed to furthering my education and continuing to contribute positively to society. An upgrade to an honorable discharge would greatly support my transition and future endeavors. I am eager to continue building on the skills and values I developed during my service. Thank you for considering my request." The Applicant did not discuss how their mental health condition, including PTSD, may excuse or mitigate their misconduct or discharge.

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

A review of the Applicant's service treatment records indicated that they first made complaints of mental health issues during a mental health assessment/periodic health assessment with their primary care manager (PCM) in February 2023. They reported having increased stress due to interpersonal conflict at work and home. No other information was provided. They attended two individual psychotherapy sessions at the mental health clinic (MHC) in August 2023 for complaints of stress, sleep problems (difficulties falling and staying asleep), low motivation, mood changes, anxiety, and headaches. The causes of these issues were not reported, but they had experienced them for years, and the onset of these occurred after they returned from deployment. The following month, in September 2023, they were seen at the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program by command referral due to testing positive for Tetrahydrocannabinol Delta-8 (THC-8). They reported to the ADAPT provider that during the weekend of the 4th of July, they ate one of their friend's gummies that was in an unlabeled bag next to other snacks that they believed were normal candy. They were later informed by their friend that the gummy contained THC-8. They said that even though their friend informed them that there were THC gummies, they did not believe they ingested them due to "not feeling the effects" and therefore, did not notify their leadership and was later required to complete a random urinalysis for which they tested positive. They did not meet the criteria for any substance use disorder and completed ADAPT's education course. The Applicant received regular mental health treatment after their ADAPT evaluation, consisting of individual psychotherapy, group therapy, and medication management treatment services for stressors related to their positive UA, sleep problems, deployment issues, and relationship problems, ending in April 2024. Their treatment notes reported their predominant complaints were

surrounding their stress caused by their administrative separation, stress related to a romantic relationship, stress related to a medical condition, and difficulties sleeping. They were formally assessed for PTSD in October 2023 and were determined not to meet the diagnostic criteria for PTSD because they did not meet the threshold for Criterion A for a traumatic event. They were given diagnoses and conditions of Other Specified Problems Related to Psychosocial Circumstances, Personal History of Military Deployment, Anxiety Depression, Anxiety Disorder, Unspecified, and Insomnia during service.

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

The Applicant was discharged from service for drug abuse, wrongfully ingesting a product containing or derived from hemp, as evidenced by a positive urinalysis for THC-8. There is no evidence from their military and service treatment records that their mental health condition had caused or was a contributing factor to their decision to ingest a product containing THC-8. During their evaluation with ADAPT, they explained that they unknowingly ingested THC gummies belonging to their friend because they were placed in an unlabeled bag next to other snacks that they believed were normal candy. There was no evidence that they were in emotional distress or had PTSD that impaired their judgment at the time they unknowingly ingested THC gummies. Therefore, their 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 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 two to one 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://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)