

SUMMARY: The Applicant was discharged on 8 February 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 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 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 inequitable because it failed to fully consider the impact of their medical condition on their service. The Applicant claimed they had generalized anxiety and gastroesophageal reflux disease (GERD) and these conditions significantly affected their ability to perform their duties effectively and were directly related to the circumstances leading up to the discharge. Furthermore, the Applicant contended the VA recognized the severity of their medical conditions and has granted a combined disability rate of 60%. The Applicant claimed granting a discharge upgrade will rectify the inequities of the original discharge, acknowledge the impact the medical conditions had on their service, and recognize their otherwise honorable service.

A review of the Applicant's record revealed the Applicant had a positive urinalysis test for delta-8 Tetrahydrocannabinol (THC). The Applicant was ordered to take a second urinalysis (Bickel Test) that was also positive for delta-8 THC and delta-9 THC. According to the discharge package the Applicant was punished under Article 15, Uniform Code of Military Justice (UCMJ) and subsequently discharged for Misconduct (drug abuse).

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 their discharge was inequitable because it failed to fully consider the impact of their medical conditions on their service. The Applicant claimed that throughout their time in the military, they battled both generalized anxiety disorder and gastroesophageal reflux disease (GERD) and these conditions significantly affected their ability to perform their duties effectively. Furthermore, the Applicant contends the VA recognized the severity of these conditions by granting a service-connected disability rating for both anxiety and GERD. Finally, the Applicant contends it is crucial to note that their struggles with anxiety and GERD were directly related to the circumstances leading to their discharge.

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

The Board considered Department of Defense guidance that states a determination made by the 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 disability rating from the VA for Generalized Anxiety Disorder. Consequently, the Board is persuaded that the Applicant has Generalized Anxiety Disorder, and the condition existed during military service.

A review of the Applicant's available treatment records revealed that the Applicant was never diagnosed with a mental health disorder during their time in service. During the Applicant's annual Periodic Health Assessments (PHA) in 2018, 2019, 2020, and 2021, the Applicant denied any mental health concerns or need for a referral to mental health. A review of available records showed that the Applicant contacted the base mental health clinic in January 2022 seeking treatment for work-related stress. The Applicant completed a phone triage, was briefed on alternate resources, and agreed to seek treatment from the Military and Family Life Consultant (MFLC). Since MFLC providers do not document counseling sessions in the service treatment record, it is unknown if the Applicant engaged with MFLC at that time.

Although there was no evidence of mental health treatment in the Applicant's service treatment record, there were other references to mental health treatment. Specifically, in December 2022 the Applicant completed a Separation History and Physical Exam (SHPE). During the exam he indicated that he had received mental health counseling for depression and excessive worry and also had used illegal drugs. The Applicant attested that he first received counseling of any type and was first evaluated for a mental condition via Military One Source starting in October 2022, after his misconduct. Additionally, within the military health system, regardless of the stated reason for a medical appointment, patients are typically screened for depression, anxiety, and suicidality. A review of the Applicant's service treatment records revealed that they consistently denied experiencing symptoms of depression, anxiety or suicidality on assessments they were administered during various medical appointments across their career, including multiple appointments that occurred in 2022.

Lastly, the intent of liberal consideration does not apply to medical conditions, including GERD, and the Applicant's contended medical conditions were not reviewed under the guidance of liberal consideration. Should the Applicant wish to have this medical condition reviewed for inequity or injustice as they pertain to the discharge, the Applicant is encouraged to submit an application to the Air Force Board for Correction of Military Records (AFBCMR).

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

A review of the available records revealed that the Applicant was selected for random urinalysis in August 2022 and the specimen tested positive for delta-8 tetrahydrocannabinol (THC). Per policy, the Applicant was re-tested 15 days later and this specimen also tested positive for delta-8 THC as well as delta-9 THC. As a result of drug use, the Applicant received non-judicial punishment under Article 15, UCMJ and was subsequently administratively discharged for drug use.

The Applicant contended that the discharge was inequitable because the impact of medical conditions of generalized anxiety disorder and GERD on their military service were not fully considered. The Applicant specifically claimed that these medical conditions significantly affected their ability to perform their duties effectively. However, the Applicant's Enlisted Performance Reports (EPR), provided by the Applicant, documented overall performance assessment as exceeding most if not all expectations. This appears to provide clear evidence that the Applicant excelled both in their position and as a member of the Air Force, and therefore there was insufficient evidence to support the contention that the medical conditions impacted their ability to serve. To that point, the burden of proof is upon the Applicant to provide evidence in support of their request for relief. In the absence of any evidence, the Board relies on the presumption of regularity in Air Force affairs.

Regarding the Applicant's contention that other mental health conditions were an issue/condition related to the discharge upgrade request, as noted earlier, while there were no available records of any mental health treatment obtained during the Applicant's time in service, the VA determined a service connection for Generalized Anxiety Disorder. However, a review of all available records revealed insufficient evidence of a nexus between the Applicant's purported mental health condition and the misconduct that resulted in the discharge. Additionally, while the Applicant contended that their struggle with anxiety was directly related to the circumstances leading to the discharge, the Applicant did not provide any further context in terms of what circumstances they refer to, or how the anxiety was directly related to these circumstances, or the misconduct. This is further complicated by the fact that the available service treatment records revealed no evidence of an anxiety disorder, or any other mental health disorder. Overall, there is insufficient evidence that the Applicant's mental health condition of Generalized Anxiety Disorder substantially contributed to, caused, 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 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 DRB also voted unanimously to **deny** changing the Narrative Reason and Reentry Code. Therefore 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 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)