

SUMMARY: The Applicant was discharged on January 27, 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, a change to the Narrative Reason for separation, and a change to the Reentry Code.

The Applicant requested the Board be completed based on a Record Review. The Board was conducted on 30 May 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:

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 contends their sexual assault report against a superior was mishandled, leading to retaliation and false drug use accusations by the abuser. Despite cooperating and passing all drug tests, the Applicant's approved transfer to the Air National Guard was revoked, and they received a General Discharge Under Honorable Conditions. A year later, the abuser was dishonorably discharged after being linked to another assault through the SAPR "CATCH" system. The Applicant seeks a review and corrective action, providing medical records, a VA disability rating, and character statements as evidence. The Applicant requested relief based on liberal consideration and would like the board to consider their struggle with PTSD, MST, and IPV/DV. They are seeking an upgrade to their Character of Service, Separation Code, Reentry Code, and Narrative Reason.

The records indicate the Applicant served in the military for two years and seven months before being discharged in January 2022. In May 2021, the Applicant received a Letter of Reprimand (LOR) for driving under the influence (DUI), resulting in a demotion from A1C to Amn in July 2021. In written responses the Applicant accepted full responsibility, explaining they drove home in an emotionally distressed state following an argument. While highlighting their accomplishments and committing to improved behavior, the Applicant did not mention mental health issues or Military Sexual Trauma (MST). In August 2021, the Applicant requested a Personal Appearance with leadership to discuss the administrative demotion. Leadership acknowledged the Applicant's outpatient care, although the specific treatment was not detailed, and framed the administrative action as an opportunity for corrective behavior. Later in 2021, the Applicant received two additional Letters of Reprimand: one for a missed appointment and another for wrongful use of cocaine. Records also indicate that in January 2022, just before discharge, the Applicant filed a restricted victim report with the SARC, opting to participate in the CATCH program and agreeing to convert their case should a match be found. After considering the Applicant's contentions, provided evidence, and available records, the board determined to deny the Applicants request for upgrade.

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?

On the DD Form 293 the Applicant contended, "My discharge was a product of a sexual assault investigation and mental health issues handled improperly. I have attached all records I deem reliable to assist the Board in recognizing this. I am requesting a discharge upgrade from General Under Honorable to Honorable." Applicant also marked PTSD, Sexual Assault/Harassment, and Intimate Partner Violence/Domestic Violence on the DD Form 293 as issues/conditions related to Applicant's request. Additionally, in materials submitted by the Applicant, they stated they wanted to "formally raise a concern regarding the handling of my sexual assault claims, which were dismissed by my leadership in a manner I believe was not only inappropriate but also violated my rights as a service member" and that "my claims were dismissed by leadership without proper review or consideration."

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

A review of available records revealed evidence the Applicant did engage in Mental Health treatment during their time in service. The Applicant had brief contact with BHOP and the base Mental Health clinic in October 2019, but the Applicant expressed preference to seek counseling from the MFLC and was not diagnosed at that time. The Applicant reported in an April 2021 PHA that they had received MH care via MilOneSource and the local Vet Center during the past year but did not find it helpful. The applicant sought out MH treatment in the base Mental Health clinic in June 2021 due to a reported increase in symptoms of anxiety and depression. This occurred about one month after the Applicant's DUI, which was their first documented misconduct. At that time, the Applicant was diagnosed with Adjustment Disorder with mixed anxiety and depression. Three weeks later, the Applicant agreed to a psychiatric hospitalization due to worsening symptoms and suicidal ideation. Following the 7-day hospitalization and subsequent Intensive Outpatient Program, the Applicant continued care in the MH clinic while on the High Interest List (HIL). Once the Applicant was stable for 4 weeks and was eligible to be removed from the HIL, they opted to engage in treatment at the Vet Center.

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

A review of Applicant's DD214 revealed they were discharged with an Under Honorable Conditions (General) characterization based on Misconduct (Drug Abuse) with 2 years, 9 months, 5 days of service. A review of the available records revealed the Applicant received 3 LORs between May 2021 and October 2021: one for a DUI, one for missed appointments, and one for wrongful use of cocaine, with the last being the reason for the Applicant's command initiating discharge procedures. The Applicant first engaged in base mental health service after their DUI in May 2021. However, a review of available records revealed evidence that the Applicant engaged in both treatment (Vet Center) and non-medical counseling services (Military One Source) for approximately one year prior to Applicant's initial misconduct.

Applicant contended, "My discharge was a product of a sexual assault investigation and mental health issues handled improperly." A review of the available records revealed evidence the Applicant was a victim of sexual assault while in service. However, a review of all available records revealed no supporting evidence of Applicant's contention that their discharge was a product of an improperly handled sexual assault investigation and improperly handled mental health issues, as the Applicant was discharged for wrongful use of cocaine. Related to the Applicant's contention regarding the sexual assault investigation, the Applicant contended their sexual assault claims, "were dismissed by my leadership in a manner I believe was not only inappropriate but also violated my rights as a service member." A review of available records revealed no evidence or information regarding a sexual assault investigation by Applicant's command or by any other investigative agencies on the installation or that an investigation was mishandled. Without this information, it is difficult for the Board to establish a connection between Applicant's contentions and their misconduct that could potentially mitigate or excuse their discharge. The Board is not an investigative body. 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 of improperly handled mental health issues, the Board is not clear what the Applicant is referring to, specifically. A review of the available records revealed the care the Applicant received from the on-base Mental Health clinic was appropriate and consistent with accepted practice with no indication the Mental Health clinic improperly handled Applicant's mental health issues. Furthermore, a review of available records revealed the Applicant was minimally engaged in mental health treatment, as evidenced by the Applicant's lack of compliance/attendance in the IOP. If, on the other hand, the Applicant intended it was their unit that improperly handled mental health issues, it is incumbent on the Applicant to provide evidence to support this contention as no evidence was revealed on this point in the available records.

The Applicant marked Intimate Partner Violence/Domestic Violence and PTSD on the DD293 application as issues/conditions related to Applicant's request. A review of the available records revealed Applicant's ex-partner was described as 'violent', very negative', and 'dangerous' and that Applicant had multiple No Contact Orders placed against their ex-partner. This provided evidence that, more likely than not, Applicant was a victim of Intimate Partner Violence during their time in service. However, there is no nexus between Applicant's status as a victim of Intimate Partner Violence and their misconduct that could mitigate Applicant's discharge.

A review of the available records revealed that although a PTSD diagnosis was considered by base mental health providers, the Applicant was never diagnosed with this condition. The Applicant did provide VA documentation that revealed the VA diagnosed Applicant with PTSD. Regarding the applicant's concurrence with their VA ratings the VA, operating under a different set of laws than the military, is empowered to offer compensation for any medical or mental health condition with an established nexus to military service, without regard to its impact on a member's fitness to serve, the narrative reason for release for service, or the length of time that has transpired since the date of discharge. The VA may also conduct periodic reevaluations for the purpose of adjusting the disability rating as the level of impairment from a given condition may improve or worsen over the life of the veteran.

The Applicant was discharged due to wrongful use of cocaine. A review of all available records revealed no evidence of a nexus or connection between the Applicant's misconduct and either Applicant's mental health

condition, Applicant's status as a victim of sexual assault, or as a victim of Intimate Partner Violence. As the Board is not an investigative body, it is the responsibility of the Applicant to provide details and evidence to support their contentions. Were the applicant to provide evidence to support these contentions, or their contention that Applicant's leadership was inappropriate in the dismissal of their sexual assault claims, the Board would be willing to reconsider their case with this additional information.

Overall, a review of all available records did not reveal a nexus between applicant's experiences or mental health conditions and the misconduct that led to the Applicant's discharge.

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

Based on available records, the applicant's mental health condition was known and considered by the discharge authorities at the time of the applicant's discharge processing. There was no evidence Applicant's experiences or mental health conditions mitigated or excused the applicant's discharge. Therefore, an experience or mental health condition did 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 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 July 11, 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)