

SUMMARY: The Applicant was discharged on April 23, 2012 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.

Applicant requested the Board be completed based on a Record Review. The Board was conducted on March 19, 2026. The Applicant was 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:

- Letter of Reprimand for Failure to Go and False Official Statement
- Unfavorable Information File

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.

Through counsel, the Applicant requests the Board to correct their character of service from "General Under Honorable" to "Honorable" and their narrative reason for separation from "Misconduct – Drug Abuse" to "Secretarial Authority" with corresponding separation code. The counsel's request is for reasons of Propriety and Equity. Counsel states, the Applicant's chain of command abused its discretion by discharging the Applicant, punishing them further than what they agreed to, with an administrative separation after the Applicant's special-court martial. Counsel claims, the Applicant was under the premise that they would return to their unit to fulfill the rest of their service. At the time of the misconduct, the Applicant stated he was immature and used poor judgement to maintain his relationship with his girlfriend. The Applicant accepted the plea with the understanding they would not be separated by Court-Martial, but command opted to punish them

further through an administrative separation. Counsel requests an upgrade because the Applicant's current discharge status prevents them from receiving certain military benefits.

The DRB determined the Applicant pled guilty in a Special-Court Martial to one count of possession of 3, 4-methylenedioxyamphetamine (Ecstasy) and one count of distribution of Ecstasy. The Applicant was sentenced to reduction to E-1, forfeiture of pay, restriction to the limits of the base for 60 days, hard labor without confinement for 60 days and confinement for 35 days. The DRB was pleased to see the Applicant has been successful since leaving the Air Force. However, the Board reviewed the Applicant's entire service record and found no evidence of impropriety or inequity 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, through counsel, did not make any mental health contentions and requested the Applicant be granted relief on the grounds of his discharge being too harsh and clemency under the intent of the Wilkie memo.

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

A review of the Applicant's records revealed the Applicant sought and received mental health services during his time in service including therapy and medication management. The Applicant's records revealed the Applicant endorsed symptoms of low mood and participated in psychological testing which revealed the Applicant exhibited chronic underlying low mood and features of a personality disorder.

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

A review of the Applicant's DD214 revealed the Applicant was discharged with an Under Honorable Conditions (General) character of service due to misconduct (drug abuse) with two years, ten months, eight days time in service. A review of the available records revealed the Applicant denied any pre-service mental health conditions at the time of his entry into the Air Force, although disclosed to in service and post-service providers an extensive history of childhood mental health treatment and diagnoses, including inpatient hospitalization and medication therapies. The Applicant did not contend a mental health condition caused or contributed to the misconduct that led to his discharge, and a review of the available records revealed the Applicant's mental health condition likely existed prior to service (EPTS) and is excluded from the intent of liberal consideration. Further, the intent of liberal consideration generally does not apply to premeditated misconducts, including the distribution of MDMA.

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

Because the Applicant's discharge was not excused or mitigated by a mental health condition, the Applicant's discharge was also not outweighed.

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; however, the Board considered several mitigating factors. It is consistent with military customs and practice to honor sacrifices and achievements, to punish only to the extent necessary, to rehabilitate to the greatest extent possible, and to favor second chances in situations in which individuals have paid for their misdeeds. At the time of conviction, the Applicant accepted responsibility and showed remorse for their actions. Their post-service accomplishments, including working towards an Associate of Science Degree, maintaining steady employment since discharge and the character references presented show an atonement for the misconduct.

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. However, in accordance with the “Wilkie Memo,” the DRB voted two to one to ***partially approve*** the Applicant’s request. Therefore, the awarded Service Characterization shall change to “Honorable,” the Narrative Reason for separation shall change to Secretarial Authority, and the Reentry Code shall remain 2B. The DRB results were approved by the Presiding Officer on March 26, 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>

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)