

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT**CASE NUMBER****FD-2022-00617**

SUMMARY: The applicant was discharged on 21 October 2015 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airman* with a “General” after “Misconduct (Minor Infractions).” The applicant appealed for an upgrade of his discharge characterization, a change to the discharge narrative reason, and a change to the reenlistment eligibility (RE) code.

The applicant was not represented by counsel.

The applicant requested the board be completed based on a records review only. The Board was conducted on 20 April 2023.

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 Air Force Discharge Review Board (AFDRB), 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 reenlistment eligibility code. In reviewing discharges, the board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to rebut the presumption, to include evidence submitted by the applicant. The Board completed a thorough review of 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 applicant’s record of service included an Article 15, multiple Letters of Reprimand, and a Letter of Counseling. His misconduct included pattern of disciplinary infractions and late reporting.

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 requested his discharge be upgraded to “Honorable.” The applicant stated that he suffered from an undiagnosed and untreated mental condition while in the service. And that his discharge was related to this condition. The applicant stated that post-service, he was diagnosed with major depressive disorder and sleep apnea.

The Board determined that, through the administrative actions taken by the applicant’s chain of command, he had ample opportunities to change his negative behavior. The Board concluded the negative aspects of the applicant’s service outweighed the positive contributions he made during his Air Force career.

LIBERAL CONSIDERATION: Due to evidence of a mental health condition found in the applicant’s medical 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 clinical psychologist. 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 post-traumatic stress disorder (PTSD); Traumatic Brain Injury (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 "I suffered from an undiagnosed and untreated mental health condition while in the service. I was discharged from reasons related to this condition."

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

There is evidence the applicant sought and received mental health care during his time in service. A review of the applicant's records revealed the applicant was command referred to the ADAPT program and FAP during his time in service. The applicant's records revealed the applicant received the diagnosis, in service, of alcohol abuse disorder, uncomplicated. A review of the applicant's records revealed the applicant reported symptoms of low mood, difficulty sleeping, irritability due to his domestic violence incident and reported symptom exacerbation due to legal and occupational stressors.

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

A review of the applicant's records reveals the applicant was discharged due to misconduct. The records revealed the applicant described mental health symptom development in response to relational stressors and difficulty coping with relational stressors contributed to additional occupational and legal problems. The applicant's records revealed the applicant's maladaptive alcohol use and minimizing of his alcohol use likely contributed to the misconducts that led to his discharge. There is no evidence a mental health condition caused the misconduct(s) that led to the applicant's discharge. There is evidence the applicant exhibited and endorsed maladaptive coping skills, including alcohol misuse, which may explain the applicant's misconduct, but it does not constitute a mitigating mental health condition and does not mitigate the misconduct(s) that led to the applicant's discharge.

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

Because the applicant's discharge is not mitigated, it is 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.

FINDING: The board voted unanimously *deny* the applicant's request to upgrade his discharge characterization to "Honorable," to change the discharge narrative reason to "Secretarial Authority," and to change the reenlistment eligibility code to "2C" or "3K."

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. Therefore, the awarded characterization of service shall remain "General," the narrative reason for separation shall remain "Misconduct (Minor Infractions)," and the reentry code shall remain "2B." The AFDRB results were approved by the board president on 17 May 2023. 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, NAF Washington, MD 20762-6602

Should the applicant wish to appeal this decision, the applicant 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>

Attachment:
Examiner's Brief (Applicant Only)