



UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2017-02130-2

Work-Product

COUNSEL: *Work-Product*

HEARING REQUESTED: NOT INDICATED

APPLICANT'S REQUEST

The Board reconsider his request for upgrade of his discharge to honorable.

He also makes a new request that his demotion to the grade of airman basic (E-1) be reversed.

RESUME OF THE CASE

The applicant is a former Air Force airman basic (E-1) who was discharged on 3 Aug 88 with a general (under honorable conditions) service characterization for misconduct, a pattern of minor disciplinary infractions.

On 13 Jun 18, the Board considered and denied his request to upgrade his discharge to honorable and to change his reentry (RE) code to "1." The Board concluded the applicant had provided insufficient evidence of an error or injustice to justify relief. Additionally, the Board found no basis to upgrade the discharge based on clemency due to the lack of post-service information. Furthermore, the request was not timely submitted.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit F.

On 1 Apr 24, the applicant requested reconsideration of his request. He contends seven years ago he was diagnosed with bipolar disorder (BPD) after making bazaar decisions. He was undiagnosed his entire life. In therapy, he recently learned many of his poor decisions were driven by this condition. Depression after his mistakes caused him to request an early release. He thought his career was destroyed. He even received letters of recommendation before the discharge. It was only recently, he discovered the connection of his condition to his military service. He provides some of his life achievements to show his contribution to society. In support of his reconsideration request, the applicant submitted the following new evidence: (1) proof of medication; (2) project management certification; (3) diploma and (4) celebrate recovery name tag.

The applicant's complete submission is at Exhibit G.

AFBCMR Docket Number BC-2017-02130-2

APPLICABLE AUTHORITY/GUIDANCE

On 3 Sep 14, the Secretary of Defense issued a memorandum providing guidance to the Military Department Boards for Correction of Military/Naval Records as they carefully consider each petition regarding discharge upgrade requests by veterans claiming PTSD. In addition, time limits to reconsider decisions will be liberally waived for applications covered by this guidance.

On 25 Aug 17, the Under Secretary of Defense for Personnel and Readiness (USD P&R) issued clarifying guidance to Discharge Review Boards and Boards for Correction of Military/Naval Records considering requests by veterans for modification of their discharges due in whole or in part to mental health conditions [PTSD, Traumatic Brain Injury (TBI), sexual assault, or sexual harassment]. Liberal consideration will be given to veterans petitioning for discharge relief when the application for relief is based in whole or in part on the aforementioned conditions.

Under Consideration of Mitigating Factors, it is noted that PTSD is not a likely cause of premeditated misconduct. Correction Boards will exercise caution in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct. Liberal consideration does not mandate an upgrade. Relief may be appropriate, however, for minor misconduct commonly associated with the aforementioned mental health conditions and some significant misconduct sufficiently justified or outweighed by the facts and circumstances.

Boards are directed to consider the following main questions when assessing requests due to mental health conditions including PTSD, TBI, sexual assault, or sexual harassment:

- a. Did the veteran have a condition or experience that may excuse or mitigate the discharge?
- b. Did that condition exist/experience occur during military service?
- c. Does that condition or experience actually excuse or mitigate the discharge?
- d. Does that condition or experience outweigh the discharge?

On 25 Jul 18, the Under Secretary of Defense for Personnel and Readiness issued supplemental guidance, known as the Wilkie Memo, to military corrections boards in determining whether relief is warranted based on equity, injustice, or clemency. These standards authorize the board to grant relief in order to ensure fundamental fairness. Clemency refers to relief specifically granted from a criminal sentence and is a part of the broad authority Boards have to ensure fundamental fairness. This guidance applies to more than clemency from sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice grounds. This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. Each case will be assessed on its own merits. The relative weight of each principle and whether the principle supports relief in a particular case, are within the sound discretion of each Board. In determining whether to grant relief on the basis of equity, an injustice, or clemency grounds, the Board should refer to paragraphs 6 and 7 of the Wilkie Memo.

On 25 Feb 25, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit H).

Department of the Air Force Instruction (DAFI) 36-3211, *Military Separations*, describes the authorized service characterizations.

Honorable. The quality of the airman's service generally has met Department of the Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate.

General (Under Honorable Conditions). If an airman's service has been honest and faithful, this characterization is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the member's military record.

POST-SERVICE INFORMATION

On 25 Feb 25, the Board staff sent the applicant a request for post-service information, including a standard criminal history report from the Federal Bureau of Investigation (FBI); however, he has not replied.

AIR FORCE EVALUATION

The AFRBA Psychological Advisor finds insufficient evidence to support the applicant's request for the desired changes to his records from a mental health perspective. A review of the available records finds the applicant's contentions are not corroborated by his objective military records. There is no evidence or records the applicant had any mental health conditions, including BPD or depression during service. This is evidenced by the separation physical examination he received on 27 Jul 88 from his primary care manager (PCM). His PCM assessed his psychiatric condition as normal, and the applicant also denied having any mental health issues including depression or excessive worry, nervous trouble of any sort, and frequent trouble sleeping during the examination. There is no evidence he had undiagnosed BPD during service as contended. There is also no evidence he had any hypomanic or manic episodes, depressive episodes, or any other BPD symptoms during service. He reported he was diagnosed with BPD seven years ago, after 18 months of very bizarre decisions, which occurred over 30 years after his discharge from the Air Force.

It is plausible he may have experienced symptoms of BPD during service despite no evidence or records, but there is a large time span between his discharge date and the first time he was diagnosed with BPD so it is more likely than not that he developed this condition after service. There is no evidence he engaged in very bizarre decisions as he did after service during his military service. He previously petitioned the AFBCMR for an upgrade of his discharge in 2018 and there was no mention of any BPD or other mental health issues at the time. The applicant was discharged from service for failing to report to his place of duty, failing to maintain his dormitory room, being late to duty on numerous occasions, and being convicted by civil authorities for unlawful

possession of alcohol. There is no evidence his mental health condition, including BPD or depression caused any of this misconduct. There is no evidence he was in emotional distress, was in a hypomanic or manic episode, or had a mental health condition, impairing his judgment at the time of any of his misconduct. There is no evidence his mental health condition, including BPD had a direct impact or was a contributing factor to his misconduct resulting in his discharge from service.

Liberal consideration is applied to the applicant's request for an upgrade of his discharge due to his contention of having a mental health condition. It is reminded, liberal consideration does not mandate an upgrade or a change to the record per policy guidance. The following are responses to the four questions from the Kurta Memorandum from the available records for review:

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?

The applicant contended he suffered from undiagnosed BPD which caused his misconduct and discharge from service. He reported he was diagnosed with BPD seven years ago, after 18 months of very bizarre decisions. Through therapy, he learned many of his poor decisions were driven by his mental health condition of BPD and depression.

2. Did the condition exist or experience occur during military service?

There is no evidence or records the applicant had any mental health conditions, including BPD or depression during service. This is evidenced by his separation physical examination he received on 27 Jul 88 from his PCM, reporting his psychiatric condition was assessed as normal. He also denied having any mental health issues, including depression or excessive worry, nervous trouble of any sort, and frequent trouble sleeping during the examination. There is no evidence he had undiagnosed BPD during service as contended. There is also no evidence he had any hypomanic or manic episodes, depressive episodes, or any other BPD symptoms during service. He reported he was diagnosed with BPD seven years ago after 18 months of very bizarre decisions, which occurred over 30 years after his discharge from the Air Force. There is no evidence he made bizarre decisions during service. It appeared more likely than not, his BPD began and developed after his discharge from the Air Force.

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

The applicant was discharged from service for failing to report to his place of duty, failing to maintain his dormitory room, being late to duty on numerous occasions, and being convicted by civil authorities for unlawful possession of alcohol. There is no evidence his mental health condition, including BPD or depression caused any of this misconduct. There is no evidence he was in emotional distress, was in a hypomanic or manic episode, or he had a mental health condition impairing his judgment at the time of any of his misconduct. Therefore, his mental health condition does not excuse or mitigate his discharge.

4. Does the condition or experience outweigh the discharge?

Since the applicant's mental health condition does not excuse or mitigate his discharge, his mental health condition also does not outweigh his original discharge.

The complete advisory opinion is at Exhibit I.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 3 Apr 25 for comment (Exhibit J) but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board remains unconvinced the evidence presented demonstrates an error or injustice. The Board concurs with the rationale of the AFRBA Psychological Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board applied liberal consideration to the applicant's request based on his contention of a mental health condition. However, the Board finds the evidence insufficient to grant the applicant's request. There is no evidence he had BPD or depression, symptoms such as hypomanic or manic episodes, excessive worry, nervous trouble of any sort or frequent trouble sleeping during service. The applicant also denied any mental health conditions or symptoms during his separation examination. The applicant reported he was diagnosed with BPD over 30 years after his discharge. It appears more likely than not his BPD developed after his discharge. Since the Board does not find his mental health condition excuses or mitigates his discharge, the Board does not find his condition or experience outweighs his discharge. It appears the discharge was consistent with the substantive requirement of the discharge regulation and was within the commander's discretion. The Board considered upgrading the applicant's discharge on the basis of clemency; however, finds the provided post-service information insufficient to warrant upgrading his discharge on the basis of clemency. Therefore, the Board recommends against correcting the applicant's records.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

CERTIFICATION

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The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2017-02130-2 in Executive Session on 26 Jun 25:

Work-Product, Panel Chair

Work-Product, Panel Member

Work-Product, Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit F: Record of Proceedings, w/ Exhibits A-E, dated 13 Jun 18.

Exhibit G: Application, DD Form 149, w/atchs, dated 1 Apr 24.

Exhibit H: Letter, SAF MRBC (Liberal Consideration + Clemency), 25 Feb 25

Exhibit I: Advisory Opinion, AFRBA Psychological Advisor, dated 25 Mar 25.

Exhibit J: Notification of Advisory, SAF/MRBC to Applicant,, dated 3 Apr 25.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

7/15/2025

X

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Board Operations Manager, AFBCMR
Signed by: USAF

AFBCMR Docket Number BC-2017-02130-2

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