



**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02834

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His general (under honorable conditions) discharge be upgraded to honorable.

APPLICANT'S CONTENTIONS

He had undiagnosed Post-Traumatic Stress Disorder (PTSD) during his military service and this significantly influenced his behavior and performance. In support of his request for a discharge upgrade, the applicant provides a personal statement, copies of excerpts from his military record, his resume, and Secretary of Defense memorandums pertaining to clemency and liberal consideration.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-3).

On 20 Sep 06, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5-49 for minor disciplinary infractions. The specific reasons for the action were:

- a. On or about 5 Jun 06, he was verbally counseled for failing to render proper customs and courtesies to an officer.
- b. On or about 19 May 06, he wrote derogatory comments toward a senior noncommissioned officer on a going-away plaque.
- c. On or about 23 Mar 06, he was absented from his place of duty and failed to obey a lawful order.

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d. On or about 17 Feb 06, he reported late for work and on or about 21 Feb 06, he failed to follow the direction of the flight commander. Additionally, on or about 22 Feb 06, he verbally disrespected a superior commissioned officer.

e. On or about 8 Feb 06, he reported late for work.

f. On or about 4 Jan 06, he arrived late to physical training (PT) and, on or about 5 Jan 06, 10 Jan 06, 26 Jan 06, 30 Jan 06 and 7 Feb 06, he reported late for work.

On 22 Sep 06, the Staff Judge Advocate found the discharge action legally sufficient.

On 4 Oct 06, the discharge authority directed the applicant be discharged for misconduct consisting of minor disciplinary infractions with a general (under honorable conditions) service characterization. Probation and rehabilitation were considered but not offered.

On 12 Oct 06, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct" and he was credited with 4 years, 11 months, and 27 days of total active service.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit D.

POST-SERVICE INFORMATION

On 15 Feb 24, the Board 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.

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 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

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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 15 Feb 24, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit C).

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.

AIR FORCE EVALUATION

[REDACTED]

The AFRBA Psychological Advisor completed a review of all available records and finds insufficient evidence to support the applicant's request for the desired changes to his record. There is no evidence to support the applicant's contention he had PTSD at the time of his service or an undiagnosed mental health condition excuses or mitigates his misconduct. While the applicant mentions "exposure to combat and trauma" there is insufficient evidence to support he was exposed to combat or suffered any trauma while in the military. His written responses to his misconduct and involuntary discharge do not mention any mental health factors that may have been involved in his misconduct. Additionally, the personal statements the applicant submitted, do not support his PTSD or mental health contentions.

The applicant's medical record shows he was evaluated by mental health providers to clear him for involuntary administrative discharge. The evaluations document no mental health diagnoses (except noting narcissistic personality features - this is not a diagnosis but a comment he has features of this condition but does not meet the criteria for a diagnosis). An evaluation noted he was S-1 on his physical capacity/stamina, upper extremities, lower extremities, hearing and ears, eyes, and psychiatric (PULHES) indicating he was fit for duty from a psychological perspective. It noted he was worldwide qualified (WWQ) and he had no psychiatric diagnosis. Each note mentioned the complete note was kept separate in the Life Skills chart. The Psychological Advisor does not have access to these charts. Based on the evaluations and the presumption of regularity the applicant was cleared for involuntary separation from a mental health perspective, having not been found with any mental health diagnoses, including PTSD. As part of these evaluations, service members are routinely screened for PTSD.

The applicant contends his application, records, personal statements, and additional supporting documentation emphasize the profound impact of PTSD on his behavior and performance, leading to his discharge categorization. The Psychological Advisor concludes there is insufficient evidence to support this contention or that he had any mental health diagnosis during his time in service or at discharge. The Psychological Advisor concludes the applicant does not have any mental health conditions that would excuse or mitigate his misconduct. As the applicant does not have any mental health diagnoses, none of his misconduct has a nexus with a mental health condition.

Liberal consideration is applied to the applicant's request due to the contention of a mental health condition. The following are responses to the four questions in the policy based on the available records for review:

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?
The applicant contends his discharge was influenced by undiagnosed and untreated PTSD stemming from traumatic events during his service.
2. Did the condition exist or experience occur during military service?
There is no evidence the applicant had PTSD or any other mental health diagnosis during his time in service or at discharge.
3. Does the condition or experience excuse or mitigate the discharge?

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The Psychological Advisor concludes the applicant does not have any mental health condition that would excuse or mitigate his misconduct. As the applicant does not have any mental health diagnoses, none of his misconduct has a nexus with a mental health condition.

4. Does the condition or experience outweigh the discharge?

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

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 27 Feb 24 for comment (Exhibit E) but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed. Given the requirement for passage of time, all discharge upgrade requests under fundamental fairness or clemency are technically untimely. However, it would be illogical to deny a discharge upgrade application as untimely, since the Board typically looks for over 15 years of good conduct post-service. Therefore, the Board declines to assert the three-year limitation period established by 10 U.S.C. § 1552(b).

2. The applicant exhausted all available non-judicial relief before applying to the Board.

3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. It appears the discharge was consistent with the substantive requirements of the discharge regulation and was within the commander's discretion. Nor was the discharge unduly harsh or disproportionate to the offenses committed. Furthermore, 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. Specifically, the Board finds no evidence the applicant was diagnosed with a mental health disorder to include PTSD during service. Nonetheless, liberal consideration was applied to the applicant's request due to the contention of a mental health condition; however, since there is no evidence his mental health condition or trauma due to his deployment had a direct impact on his behaviors and misconduct resulting with his discharge, his condition or experience does not excuse, mitigate, or outweigh his discharge. In the interest of justice, the Board considered upgrading the discharge based on fundamental fairness; however, given the evidence presented, and in the absence of post-service information and a criminal history report, the Board finds no basis to do so. The applicant provided a personal statement and his resume; however, the Board finds the evidence is not substantial enough for the Board to conclude he overcame the misconduct that precipitated the discharge and whether an upgrade of the discharge would create a larger injustice to those who served honorably and earned the characterization of service the applicant seeks. Therefore, the Board recommends against correcting the applicant's records. The applicant retains the right to request reconsideration of this

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decision. The applicant may provide post-service evidence depicting his current moral character, occupational, and social advances, in the consideration for an upgrade of discharge characterization based on fundamental fairness.

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

The following quorum of the Board, as defined in DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2023-00119 in Executive Session on 18 Jun 24:

[REDACTED], Panel Chair
[REDACTED], Panel Member
[REDACTED], Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 29 Aug 23.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Liberal Consideration Guidance), dated 15 Feb 24.
- Exhibit D: Advisory Opinion, AFRBA Psychological Advisor, dated 16 Feb 24.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 27 Feb 24.

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.

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4/30/2025

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Board Operations Manager, AFBCMR
Signed by: USAF

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