



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01639

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

She was too young at the time to understand what was happening as she was being discharged and was suffering from postpartum depression during the process. She was not offered any type of counsel to help her understand what was going on at the time. There were high ranking personnel there which was very intimidating, and she had no one to advocate for her. She was not offered a chance to appeal or make any statements, and it was not until recently she discovered she could have appealed or fought for herself.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

A letter for review of her workplace indicates the applicant had an appointment on 21 Mar 88 to evaluate her work environment, specific duties, and physical requirements due to her pregnancy.

On 14 Feb 89, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFR 39-10, *Administrative Separation of Airmen*, paragraph 5-46 for minor disciplinary infractions. The specific reasons for the action were:

- a. On 28 Nov 88, she received a Record of Individual Counseling (RIC) for unauthorized absence.
- b. On 12 Jan 89, she received an RIC for substandard duty performance.

AFBCMR Docket Number BC-2024-01639

- [REDACTED]
- d. On 6 Feb 89, she received a Letter of Reprimand (LOR)/Unfavorable Information File (UIF) for misuse of government property.
 - e. On 14 Feb 89, AF Form 3070, *Record of Nonjudicial Punishment Proceedings*, indicates the applicant received nonjudicial punishment (NJP), Article 15 for failing to go to her appointed place of duty. She received a reduction in grade to airman (E-2) and 30 days of basic restriction.

Other disciplinary infractions not included in the discharge recommendation were the NJP she received on 5 Aug 87 for wrongfully entering the living quarters of the opposite sex to which she received a forfeiture of \$75.00 of pay and seven days of correctional custody; counseling she received on 21 Dec 88 for a dishonored check; and an RIC received on 3 Feb 89 for substandard performance.

On 17 Feb 89, the applicant acknowledged the discharge recommendation and indicated she consulted counsel and submitted a response to the discharge recommendation expressing her desire to remain in the service. She indicated, due to changes in her life, she was having difficulty adjusting but was now adjusting better and asked for a second chance.

On 1 Mar 89, the Staff Judge Advocate found the discharge action legally sufficient.

On 17 Mar 89, the discharge authority directed the applicant be discharged for minor disciplinary infractions with a general service characterization.

On 21 Mar 89, the applicant received a general (under honorable conditions) discharge. Her narrative reason for separation is "Misconduct - Pattern of Minor Disciplinary Infractions" and she was credited with two years three months 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 9 Jul 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, she 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 Post Traumatic Stress Disorder (PTSD). In addition, time limits to reconsider decisions will be liberally waived for applications covered by this guidance.

[REDACTED]

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 9 Jul 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

A review of the available records by the AFBCMR Psychological Advisor finds no evidence to corroborate the applicant's contentions. While it is possible she had postpartum depression as there is evidence she was pregnant during service or in her lifetime, there is no evidence or records to confirm she actually had postpartum depression or symptoms of this condition during service.

[REDACTED]

Her service treatment records did not reveal when she gave birth, but records indicated she was pregnant in Apr and May 88. Using these dates, her misconduct problems did begin after her pregnancy with the earliest documented misconduct occurring in Nov 88. So again, it is possible her postpartum depression caused her behavioral problems, and her misconduct problems proceeded her pregnancy. However, her statements and reports by her leadership about the reasons for her misconduct did not indicate they were caused by her mental health condition or postpartum depression. At the time of service, her First Sergeant had reported a conversation with her about her unauthorized absence on 28 Nov 88 and stated there were some extenuating and mitigating circumstances that were not clarified that could have led to her absence but none of them would excuse her failure to contact the duty section. It is not certain if her extenuating and mitigating circumstances were caused by or related to her mental health condition. In her explanation for her substandard duty performance, she denied having a poor attitude, was not aware of her body posture, and felt the sergeant's attitude was reflected as she had better things to do than to counsel her. She did not volunteer the information for why she did not report she had found the beeper she was in possession of for on-call duties when an investigation ensued for the missing beeper. She also did not provide an explanation for why she failed to go to her appointment at the mental health clinic (MHC) and why she was dishonest about her whereabouts. She admitted to not attending the prior week's session but denied other absences even though her counselor confirmed she had not attended group sessions for the past two weeks. Lastly, she did not discuss having any mental health issues in any of her statements at the time of service including her response to her discharge action, and there were no reports or observations by her leadership of any concerns she had any mental health issues that may cause her behavioral problems. She did discuss having adjustment problems to a lot of changes in her life that she did not clarify in her response to her discharge action, but she also reported she was adjusting much better and wanted another chance. She claimed she was not offered to make any statement about her discharge, but there is evidence she did submit a statement that disputes her contention. The applicant's service treatment records reported she initially sought mental health treatment on 9 Dec 88 to help her cope with the aftermath of her separation from her husband and was referred to group therapy which she did attend at least one session on 29 Dec 88. There was no report of any postpartum depression or adjustment to being a new mother. This is contrary to her contention she was not offered any counseling during service for her presenting problems. She was given a diagnosis of adjustment disorder with depressed mood. It appeared her adjustment issues were resolved according to her response to her discharge action as discussed in the preceding paragraph. During her separation physical examination with her primary care manager (PCM), she denied having any mental health issues including depression or excessive worry, nervous trouble of any sort, and sleep difficulties. Based on this information, there is no evidence her postpartum depression had a direct impact or was a contributing factor to her misconduct and subsequent discharge from service. Therefore, there is no error or injustice identified with her discharge from a mental health perspective, and her request for an upgrade of her discharge is not supported by her military records. Her personal testimony for this petition was also found to be not compelling or sufficient enough to support her request as well.

Liberal consideration is applied to the applicant's request due to the contention of having a mental health condition. It is reminded that liberal consideration does not mandate an upgrade per policy

[REDACTED]

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, at the age of 20, she was a new mother and suffering from postpartum depression at the time. She did not know why she was being discharged and was not afforded any type of counseling to help her understand what was happening at the time. She felt her discharge process was swift and she was under duress at the time and was not offered a chance to make an appeal or make any statements.

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

There is no evidence or records the applicant had or was diagnosed with postpartum depression during service or in her lifetime. There are records showing she was seen at the MHC and was seeking assistance to cope with her separation from her husband. She was referred to group therapy and attended at least one group therapy session. She was given a diagnosis of adjustment disorder with depressed mood, and it appeared she was adjusting well to her situational problems according to her statement in response to her discharge action. During her separation physical examination with her PCM, she denied having any mental health issues including depression or excessive worry, nervous trouble of any sort, and sleep difficulties.

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

While it is possible she had postpartum depression, there is no evidence her postpartum depression had a direct impact or was a contributing factor to her misconduct and subsequent discharge from service. The explanations and reports from her leadership do not indicate her mental health condition caused her misconduct and subsequent discharge. Thus, her mental health condition does not excuse or mitigate her discharge.

4. Does the condition or experience outweigh the discharge?

Since the applicant's mental health condition does not excuse or mitigate her discharge, her mental health condition also does not outweigh her 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 1 Oct 24 for comment (Exhibit E) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed but the untimeliness is waived because it is in the interest of justice to do so. Therefore, the Board declines to assert the three-year limitation period established by 10 U.S.C. Section 1552(b).

[REDACTED]

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. Based on the available evidence of record, it appears the discharge was consistent with the substantive requirements of the discharge regulation and was within the commander's discretion. The applicant has provided no evidence which would lead the Board to believe her service characterization was contrary to the provisions of the governing regulation, unduly harsh, or disproportionate to the offenses committed. Furthermore, the Board concurs with the rationale and recommendation of the AFRBA Psychological Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board notes the applicant may have had postpartum depression; however, the evidence presented does not indicate this was a contributing factor influencing her behavior. 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 her mental health condition had a direct impact on her behaviors and misconduct resulting in her discharge, her condition or experience does not excuse, mitigate, or outweigh her 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. Therefore, the Board recommends against correcting the applicant's records. The applicant retains the right to request reconsideration of this decision. The applicant may provide post-service evidence depicting her current moral character, occupational, and social advances, in the consideration for an upgrade of discharge characterization due to clemency 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-2024-01639 in Executive Session on 19 Mar 25:

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

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

[REDACTED]

Exhibit A: Application, DD Form 149, dated 30 Apr 24.

Exhibit B: Documentary Evidence, including relevant excerpts from official records.

Exhibit C: Letter, SAF MRBC, (Post-Service Request and Liberal Consideration Guidance), dated 9 Jul 24.

Exhibit D: Advisory, AFRBA Psychological Advisor, dated 9 Sep 24.

Exhibit E: Notification of Advisory, SAF MRBC to Applicant, dated 1 Oct 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.

4/4/2025

X [REDACTED]

[REDACTED]

Board Operations Manager, AFBCMR
Signed by: USAF

AFBCMR Docket Number BC-2024-01639

[REDACTED]