



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03035

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

After getting out of the military, she was diagnosed with post-traumatic stress disorder (PTSD). She was unaware she would be able to request her discharge to be upgraded due to this diagnosis. The reason this request took so long was because she was informed, she did not meet requirements to request an upgrade. She recently found out she can now make a request due to her Department of Veterans Affairs (DVA) disability rating.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman basic (E-1).

On 7 Jul 05, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of Air Force Instruction (AFI) 36-3208, *Administrative Separation of Airmen*, 5.49 for misconduct: minor disciplinary infractions. The specific reasons for the action were:

- a. On 30 Mar 03, a Memorandum for Record (MFR) was issued for being two months delinquent on her military star card account, on or about 14 Mar 03.
- b. On 23 Jan 04, a Record of Individual Counseling (RIC) was issued for excessive appointments, negative attitude, and inability or lack of energy when starting daily tasks on or about 23 Jan 04.

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[REDACTED]

c. On 18 Jun 04, an RIC was issued for failing to lock her computer and secure the support office after departure on or about 16 Jun 04. On the same date, a second RIC was issued for failing to post safety changes to a Technical Order (TO) on or about 17 Jun 04.

d. On 15 Dec 04, an RIC was issued for failing to follow TOs and AFI 91-201, *Explosive Safety Standards*, when she failed to safely handle and transport loaded chaff and flare countermeasures on or about 14 Dec 04.

e. On 11 Jan 05, an RIC was issued for failing to follow a TO, when she did not perform a post-use inspection on a trailer she moved, after losing a wheel dust cover on or about 7 Jan 05. On the same date, a second RIC was issued for failing to report for duty at the time prescribed on or about 10 Jan 05.

f. On 24 Mar 05, a Letter of Reprimand (LOR) was issued for reporting to duty while wearing a tongue ring in uniform on or about 21 Mar 05.

g. On 12 Apr 05, an LOR was issued for failing to follow a TO by failing to safely secure a munitions handling trailer on her tow vehicle on or about 7 Apr 05.

h. On 16 May 05, an AF Form 3070, *Record of Nonjudicial Punishment Proceedings*, indicates the applicant received nonjudicial punishment (NJP), Article 15 for failing to follow guidance while handling munitions and ensuring there were two fire extinguishers mounted on the vehicle; failing to follow guidance while performing required pre-tow inspection; and by failing to change the explosive placard on the front of the vehicle. The applicant received a reduction to the grade of airman (E-2), suspended and 14 days extra duty.

i. On 14 Jun 05, an AF Form 366, *Record of Proceedings of Vacation of Nonjudicial Punishment*, indicates the applicant's suspended NJP was vacated, for failing to obey a lawful no contact order, between on or about 27 May 05 and on or about 1 Jun 05. The applicant received a reduction to the grade of airman (E-2).

j. On 22 Jun 05, an AF Form 3070, indicates the applicant received NJP, Article 15 for failing to obey a lawful no contact order, between on or about 27 May 05 and on or about 1 Jun 05 (same infraction as above). She received a reduction to the grade of airman basic (E-1).

On 19 Jul 05, the Staff Judge Advocate found the discharge action legally sufficient. On the same date, the discharge authority directed the applicant be discharged for misconduct: minor disciplinary infractions, with a general (under honorable conditions) service characterization. Probation and rehabilitation were considered but not offered.

[REDACTED]

On 25 Jul 05, the applicant received a general (under honorable conditions) discharge. Her narrative reason for separation is "Misconduct" and she was credited with two years, one month, and nine 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 19 Dec 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 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?

[REDACTED]

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 19 Dec 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

The AFRBA Psychological Advisor finds insufficient evidence to support the applicant's request for the desired changes to her records based on her mental health condition. A review of the available records finds no evidence the applicant's mental health condition, including PTSD had a direct impact or was a contributing factor to any of her misconduct resulting in her discharge from service. There is evidence through her statements she submitted at the time of service in response to her two Article 15s, indicating she had family and marital problems. These problems may have caused her to experience emotional distress, but there is no evidence or records she developed anxiety, depression, PTSD, or any other mental health condition from these stressors. She received marital counseling during service and was given a condition, not a diagnosis, of partner relational problem. Marital or partner relational problem is not a mental disorder. No other mental health issues or conditions were reported in her service treatment records. There is no evidence or records she was ever diagnosed with any mental health conditions during service.

[REDACTED]

The applicant continued to have marital problems, would receive marital counseling, and had family advocacy program (FAP) involvement as a dependent spouse at two different military treatment facilities for these issues immediately following her discharge, and years after her discharge. Records from these encounters also did not document any mental health issues or disorders, including PTSD. She first received a mental health evaluation from the DVA on 8 Jan 25, which was almost 20 years after her discharge from the Air Force. During this evaluation, she had complaints of anxiety, depression, and PTSD. She reported her anxiety had begun in childhood, so it was a prior service condition or had existed prior to her military service. There is no evidence her military duties or service aggravated her prior service condition of anxiety. Her anxiety may have been exacerbated and/or aggravated by her personal stressors but not military duties. She endorsed anxiety symptoms of persistent worry related to finances, relationships, the well-being of her family, difficulties controlling her feelings of worry, difficulty relaxing, increased irritability, and restlessness. It is possible she had anxiety from her family and relationship problems during service despite no actual records of these events, but there is no evidence or records she had the remaining symptoms during service. She reported the onset of her depression was in 2005 or 2006 and endorsed depressive symptoms of depressed mood, anhedonia, low energy, feelings of failure, and concentration difficulties. There is also no evidence or records she experienced any of these symptoms during service. As for her trauma symptoms, she reported trauma symptoms related to a sexual assault by her husband in 2021, and this traumatic event had occurred after her military service, so there is no nexus between this traumatic event to her misconduct and discharge. She reported, her former stepfather tried to sexually abuse her when she was a child and this event occurred before her military service so again, there is no nexus between this event and her misconduct and discharge. From her time in service, she endorsed trauma symptoms related to her daughter being removed from her home by child protective services (CPS) in 2005. There is evidence from her statement in response to her Article 15 dated 9 May 05, indicating she lost custody of her daughter to the state and was working to get her back, so it is possible she had trauma and stressor-related symptoms from this stressful event. She also reported military sexual trauma (MST) from 2003-2005 and no other information was provided. There is no evidence or records of her MST experience in her available military records. She endorsed trauma symptoms caused by her in-service and post-service experiences of intrusive memories, nightmares, flashbacks, physiological distress at reminders related to her traumatic and stressful experiences, anhedonia, feelings of detachment from others, difficulties experiencing positive emotions, increased irritability, hypervigilance, exaggerated startle response, sleep disturbance, and avoidance of memories and reminders related to her traumatic and stressful experiences. There is no evidence or records she had or experienced any of these symptoms during service. She did not identify when she first experienced these symptoms and it is possible her post-service traumatic experience of sexual assault may have triggered and aggravated these symptoms, especially since there are no records she had PTSD or trauma symptoms when she received marital counseling and FAP services after her discharge from the military in 2005-2006 and 2010. She may also have a delayed onset of PTSD, and this is not an uncommon occurrence, but there is no evidence she had PTSD during service. There is no evidence from her existing DVA treatment records she was diagnosed with PTSD. She was diagnosed with unspecified trauma and stressor-related disorder by her provider at the DVA and this condition is similar to

[REDACTED]

PTSD but is not PTSD. There are no records to confirm she was ever diagnosed with PTSD by a duly qualified mental health provider.

The applicant was discharged from service for dereliction of duty/performance on numerous occasions, financial irresponsibility, failing to report for duty, wearing a tongue ring while in uniform, and failing to obey a no-contact order. She had provided statements to explain some of her actions, behaviors, and situations at the time of service, and explained others had walked away from their computers and did not get into trouble but she did and thought it was unfair; she thought the missiles which were reclassified were the same type for why she mis-posted the safety supplement; her home life/family stressors affected her work; and she thought the airman was not home when she went over to his house to collect her belongings when she violated the no-contact order. From these explanations, there is no evidence her mental health condition caused any of her misconduct leading to her discharge from service. There is no evidence she had a mental health condition, impairing her judgment at the time of any of her misconduct. Her home life/family stressors may have affected her work but again, this is not a mental health condition but rather a personal issue. The applicant reported she was diagnosed with PTSD after her discharge from the military and did not provide any other clarifying information about this condition or how this condition caused her discharge. She mentioned having a DVA disability rating but receiving service connection or a disability rating for a mental health condition by the DVA does not indicate causation or mitigation of the discharge but merely suggests the condition was somehow related to her military service and not necessarily the reason for discharge. From the available record, the Psychological Advisor finds no error or injustice with her discharge from service from a mental health perspective. Her personal testimony is determined to not be compelling or sufficient to support her request for an upgrade of her discharge based on her mental health condition.

LIBERAL CONSIDERATION: Liberal consideration is applied to the applicant's petition due to her contention of having a mental health condition. It is reminded, liberal consideration does not mandate an upgrade or a change to the records 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 marked "PTSD" on her application to the AFBCMR and contended after getting out of the military, she had been diagnosed with PTSD and submitted no additional records for review. She also did not provide any clarifying information about her condition of PTSD such as the traumatic event/experience she endured during her military service, when the traumatic event occurred, when she was diagnosed with PTSD, the PTSD/trauma symptoms she experienced during service, how this condition and symptoms caused her misconduct and discharge, and how this condition or any other mental health condition may excuse or mitigate her discharge.

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

There is no evidence or records the applicant's mental health condition of PTSD had existed during her military service. She received marital counseling during service and was given a condition, not a diagnosis, of partner relational problem. This condition is not a mental disorder. There are no records confirming she was diagnosed with PTSD during or after service. She received her

[REDACTED]

first mental health evaluation from the DVA on 8 Jan 25, almost 20 years after her discharge from the Air Force, and reported experiencing several traumatic and/or stressful experiences in her lifetime including before, during, and after her service. For her in-service traumatic and/or stressful events, she endorsed trauma-related symptoms related to her daughter being removed from her home by CPS in 2005 and MST occurring between or from 2003-2005. There is evidence from her statement to one of her Article 15s during service, reporting she lost custody of her daughter to the state, but there is no evidence or reports of any MST experience(s) in her available military records. She provided no clarifying information about her MST experience(s). Trauma and stressor-related symptoms she endorsed from her in-service and post-service experiences were intrusive memories, nightmares, flashbacks, physiological distress at reminders related to her traumatic and stressful experiences, anhedonia, feelings of detachment from others, difficulties experiencing positive emotions, increased irritability, hypervigilance, exaggerated startle response, sleep disturbance, and avoidance of memories and reminders related to her traumatic and stressful experiences. There is no evidence or records she experienced any of these symptoms during service.

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

There is no evidence the applicant's mental health condition, including PTSD had a direct impact or was a contributing factor to her misconduct resulting in her discharge. She provided some explanations for her behaviors and actions at the time of service and none of her explanations demonstrated her mental health condition had caused any of her misconduct. Her home life/family stressors may have affected her work, but this is not a mental health condition or disorder but a personal issue. There is no evidence she had a mental health condition impairing her judgment at the time of any of her misconduct. For these reasons, 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 4 Feb 25 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).
2. The applicant exhausted all available non-judicial relief before applying to the Board.

[REDACTED]

3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. 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 applied liberal consideration to the evidence submitted by the applicant; however, it is not sufficient to grant the applicant's request. There is no evidence she had a mental health condition, impairing her judgment at the time of any of her misconduct. Furthermore, there is no evidence or records the applicant's PTSD had existed during her military service. The applicant's first mental health evaluation was 20 years after discharge by the DVA. The applicant's personal stressors may have affected her work, but this is not a mental health condition or disorder. Additionally, 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. Nonetheless, 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 evidence showing the applicant made a successful post-service transition, the Board finds no basis to do so. The Board contemplated the many principles included in the Wilkie Memo to determine whether to grant relief based on an injustice or fundamental fairness; however, the applicant did not provide sufficient evidence to show she has made a successful post-service transition. The evidence she provides lacks references that demonstrate his character and service to the community. Therefore, the Board recommends against correcting the applicant's records. The applicant retains the right to request reconsideration of this decision, which could be in the form of a criminal history background check, a personal statement, character statements, and/or testimonials from community leaders/members specifically describing how her efforts in the community have impacted others. Should the applicant provide documentation pertaining to her post-service accomplishments and activities, this Board would be willing to review the materials for possible reconsideration of her request based on fundamental fairness.

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-2024-03035 in Executive Session on 21 May 25:

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

[REDACTED]

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

Exhibit A: Application, DD Form 149, dated 15 Aug 24.

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 19 Dec 24.

Exhibit D: Advisory Opinion, AFRBA Psychological Advisor, dated 29 Jan 25.

Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 4 Feb 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.

6/10/2025

X [REDACTED]

[REDACTED]
Board Operations Manager, AFBCMR
Signed by: USAF