



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2018-01480

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

She would like to receive educational benefits. Since being discharged from the military, she has been diagnosed with a mental illness which may have affected her ability to fulfill tasks during active duty.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force senior airman (E-4).

On 2 Sep 05, DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, indicates the applicant enlisted in the Air Force Reserve for four years under the Delayed Entry/Enlistment Program (DEP). She was discharged from the DEP and enlisted in the Regular Air Force on 17 Jan 06 for a period of four years.

On 10 Mar 09, the applicant received a general (under honorable conditions) discharge. Her narrative reason for separation is "Misconduct (Minor Infractions)" and she was credited with 3 years, 1 month, and 24 days of total active service.

On 21 Sep 18, the applicant submitted a request to the Air Force Discharge Review Board (AFDRB) for an upgrade to her discharge.

On 4 Sep 19, the AFDRB concluded the applicant's mental health condition was a mitigating factor to the applicant's misconduct; however, it could not completely explain or excuse the misconduct sufficiently to warrant upgrading the discharge.

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

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

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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 2 Aug 22, the Board staff sent a copy of the guidance (Exhibit C) to the applicant.

AFI 36-3208, *Administrative Separation of Airmen*, describes the types of service characterization:

Honorable. The quality of the airman's service generally has met 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.

Under Honorable Conditions (General). 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 airman's military record.

AIR FORCE EVALUATION

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 her record. The applicant did not clearly define her mental illness, but a review of her Department of Veterans Affairs (DVA) treatment records revealed she had been diagnosed with depression, schizoid personality disorder, schizophrenia, and schizoaffective disorder, depressed type by the DVA and is currently being treated for schizoaffective disorder. Although she was diagnosed with these conditions post-service, there was no evidence, except for depression, she experienced psychosis or had psychotic symptoms/disorders during service. She was reported to have displayed unspecified personality traits during service, but it was never clarified whether they were cluster A type traits (paranoid, schizotypal, or schizoid) and no records to show she displayed any of these traits. It appeared she had developed schizophrenia and schizoaffective disorder post-service according to her DVA treatment records. There was evidence the applicant received short-term

psychotherapy treatment services during her military service for occupational problems causing her to feel depressed, and it is plausible her depressed mood may cause some of her behaviors of “failure to go.” However, the Psychological Advisor concurs with the AFDRB’s previous decision that while her mental health condition may be a mitigating factor to her misconduct, it could not fully explain or excuse her misconduct and discharge. This is because her official discharge paperwork was absent from her records, and it is possible she may have other misconduct or reasons for discharge besides the two Article 15s in her records. This Psychological Advisor opines the applicant’s personal statement was insufficient to explain or mitigate her misconduct and discharge especially in the absence of essential records. The burden of proof is placed on the applicant to support her contentions and request and more information is needed from the applicant in order to make a more definitive determination. At this time, presumption of regularity is applied and there is no error or injustice identified with her discharge.

Liberal consideration is applied to the applicant’s petition due to the contention of a mental health condition. The following are answers to the four questions from 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 since being discharged from the military, she has been diagnosed with a mental health illness, which she did not specify, that affected her ability to fulfil her task during active duty.

2. Did the condition exist or experience occur during military service?
The applicant’s DVA treatment records revealed she was diagnosed with depression, schizoid personality disorder, schizophrenia, and schizoaffective disorder post-service. There was no evidence she experienced any psychotic symptoms or disorders during service and these conditions were reported to have developed post-service according to her DVA records. There was evidence she received short-term therapy services for depression caused by occupational stress and was displayed unspecified personality traits during service. She was not reported to display any cluster A personality traits during service.

3. Does the condition or experience excuse or mitigate the discharge?
The applicant’s discharge paperwork was not available for review and so it could not be determined with certainty whether her mental health condition may cause, excuse, or mitigate her discharge. Presumption of regularity is applied and her mental health condition does not excuse or mitigate her discharge.

4. Does the condition or experience outweigh the discharge?
Since her mental health condition does not excuse or mitigate her discharge, her condition also does not outweigh her 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 Aug 22 for comment (Exhibit E) but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed.



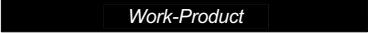
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. It appears the discharge was consistent with the substantive requirements of the discharge regulation and was within the commander's discretion. Nor was the discharge unduly harsh or disproportionate to the offenses committed. Therefore, the Board concurs with the opinion and rationale of the AFBCMR Psychological Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. Furthermore, the Board applied liberal consideration to the evidence submitted by the applicant; however, it is not sufficient to grant the applicant's request. The applicant's discharge paperwork was not available for review and so it could not be determined with certainty whether her mental health condition may cause, excuse, or mitigate her discharge. The applicant did not provide any evidence or records to substantiate her claim that a mental health condition in service caused her misconduct, thus her condition does not mitigate or excuse her discharge. Therefore, the Board recommends against correcting the applicant's records.

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-2018-01480 in Executive Session on 22 Feb 23:

-  *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 A: Application, DD Form 149, dated 5 May 22.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (Liberal Consideration Guidance), dated 2 Aug 22.
- Exhibit D: Advisory Opinion, AFRBA Psychological Advisor, dated 2 Aug 22.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 4 Aug 22.

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.

12/6/2023

 *Work-Product*

Board Operations Manager, AFBCMR
Signed by:  *Work-Product*