



**CUI//SP-MIL/SP-PRVCY**

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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-01057

*Work-Product*

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

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**APPLICANT'S REQUEST**

1. His uncharacterized entry level separation (ELS) discharge be upgraded to honorable or general (under honorable conditions).
2. His separation code and reenlistment eligibility (RE) code be changed.
3. His narrative reason for separation be changed.

**APPLICANT'S CONTENTIONS**

He was misdiagnosed by the Air Force for having a mental disorder/disability that he continues to have. Since his discharge in 1991, he has been diagnosed with Attention Deficit Hyperactivity Disorder (ADHD), Generalized Anxiety Disorder (GAD) and depression and is currently being treated by a psychiatrist for anxiety, depression, and post-traumatic stress disorder (PTSD) sleep symptoms that have been recurring for 30 years. He should have been diagnosed with a mental disorder/disability at the time of his discharge and received a discharge of Under Honorable Conditions, with initial mental disability brought on by the stress of military activities. The Air Force should have recognized he had a disorder or disability and not a character or behavior disorder.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

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

On 4 Jan 91, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFR 39-10, *Separation Upon Expiration of Term of Service, for Convenience of Government, Minority, Dependency and Hardship*. The specific reason for the action was the applicant was diagnosed by the Department of Mental Health, as having a character and/or behavior disorder as contained in the Diagnostic and Statistical Manual (DSM III) of Mental Disorders, which was determined that the condition interfered with duty performance and conduct and is severe enough that his ability to function in the military is significantly impaired. On this same date, the Staff Judge Advocate found the discharge action legally sufficient.

On 7 Jan 91, the discharge authority directed the applicant be discharged for conditions that interfere with military service-not disability-character and behavior disorder.

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On 9 Jan 91, the applicant received an uncharacterized ELS discharge. His narrative reason for separation is “conditions that interfere with military service-not disability-character and behavior disorder” and he was credited with 13 days of total active service.

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 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 6 Apr 22, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit G).

**AIR FORCE EVALUATION**

AFPC/DP2STM recommends against changing the character of service, Separation Program Designator (SPD) code and narrative reason for separation. The commander and Base Discharge Authority received documentation from medical authorities that indicate the applicant had a condition that interfered with further military service and therefore, directed discharge. Furthermore, in accordance with AFI 36-3208, *Administrative Separation of Airmen*, para 1.19, airmen are given entry level separation with uncharacterized service when they fail to complete a minimum of 180 days of continuous active military service. The applicant served a few days of active service, therefore, the type of separation and character of service are correct as indicated. There is no error or injustice with the discharge processing.

The complete advisory opinion is at Exhibit C.

**ADDITIONAL AIR FORCE EVALUATION**

The AFBCMR 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. The applicant served a total of 13 days of active duty service and during this brief time, he clearly had difficulties adjusting to the military. While at basic military training (BMT), he was evaluated and diagnosed with an Adjustment Disorder with mixed emotional features manifested by symptoms of inability to cope with the stresses of BMT and a history of labile mood under stress due to his inability to adapt. The evaluation also found he had difficulties adapting to stress prior to service, which may have been exacerbated but not permanently aggravated by his military service. He was discharged for having an unsuiting Adjustment Disorder, which was classified under a character and/or behavior disorder according to AFR 39-10. There was no evidence he had conditions or symptoms of Attention Deficit Hyperactivity Disorder (ADHD), Post-Traumatic Stress Disorder (PTSD), or Generalized Anxiety Disorder (GAD) during service. The applicant received an uncharacterized service characterization, SPD code of JFX, and RE code of 2C because he served less than 180 days of continuous service according to regulations, past and present. The Board however, may consider changing his narrative reason for separation to "Condition Not A Disability" due to privacy reasons as his current narrative reason for separation contains the narrative of "Character and Behavior Disorder." The narrative of "Condition Not A Disability" is recommended per liberal consideration guidance, and liberal consideration is applied to the applicant's request due to the contention of a mental health condition. The following are responses based on the available records to the four questions in the policy:

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge? The applicant contends he was misdiagnosed by the Air Force. He reported since his discharge in 1991, he has been diagnosed with ADHD, GAD, and depression and is currently being treated by a psychiatrist for anxiety, depression, and PTSD sleep symptoms that have been recurring for 30 years.
2. Did the condition exist or experience occur during military service? There is no evidence the applicant had conditions or symptoms of ADHD, GAD, or PTSD that were diagnosed post-service during military service. He was given a diagnosis of Adjustment Disorder with mixed emotional features manifested by symptoms of inability to cope with the stresses of BMT, history of labile mood under stress due to his inability to adapt to the military during service.
3. Does the condition or experience excuse or mitigate the discharge? The applicant's mental health condition of an Adjustment Disorder was considered unsuiting for continued military service and was the cause and reason for his discharge. This diagnosis was found to be valid and there was no error or injustice identified with his discharge from service. Therefore, his mental health condition or experience does not excuse or mitigate his discharge.
4. Does the condition or experience outweighs the discharge? There is no error identified with the applicant's administrative discharge for his valid Adjustment Disorder; his condition or experience does not outweigh his original discharge. There is also no evidence of any unfitting mental health conditions meeting criteria for a medical discharge/disability and would also not outweigh his administrative discharge.

The complete advisory opinion is at Exhibit D.

**ADDITIONAL AIR FORCE EVALUATION**

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AFPC/DP2SSM recommends against changing the applicant's RE code. The applicant was involuntarily discharged under AFR 39-10 after serving 13 days of active duty service with an entry level separation and uncharacterized character of service. His RE code was updated to 2C - (Involuntarily separated under AFR 39-19 with an honorable discharge; or entry level separation without characterization of service), based on his entry level separation and uncharacterized character of service. Removing the references to a character or behavior disorder as applicant is requesting would not affect his RE code. There is no evidence of an error or injustice in reference to applicant's RE code.

The complete advisory opinion is at Exhibit E.

**APPLICANT'S REVIEW OF AIR FORCE EVALUATIONS**

The Board sent a copy of the advisory opinions to the applicant on 21 Jan 22 for comment (Exhibit F), but has received no response.

**FINDINGS AND CONCLUSION**

1. Although the application was not timely filed within the three-year limitation period established by 10 U.S.C. § 1552(b), the untimeliness is waived in the interest of justice.
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 the victim of an error or injustice. The Board concurs with the rationale of the AFBCMR Psychological Advisor and finds a preponderance of the evidence substantiates the applicant's contentions in part. While the Board notes the applicant was not discharged for having a Personality Disorder but for an Adjustment Disorder, a narrative reason for separation change to a "Condition Not A Disability" would accurately reflect his unsuited condition while maintaining his privacy. Therefore, in order to correct the identifiable error the applicant's DD Form 214, *Certificate of Release or Discharge from Active Duty*, the Board recommends the applicant's Narrative Reason for Separation be changed to "Condition Not A Disability." However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. Liberal consideration was applied to the applicant's request due to the contention of a mental health condition; however, there is no evidence of any unfitting mental health conditions meeting criteria for a medical discharge/disability and would also not outweigh his administrative discharge. Therefore, the Board recommends correcting the applicant's records as indicated below.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 9 January 1991, he was discharged with a narrative reason for separation of "Condition Not A Disability," and a separation code of "JFV."

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

**CERTIFICATION**

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2021-01057 in Executive Session on 19 Apr 22 and 23 May 22:

*Work-Product*, Panel Chair  
*Work-Product*, Panel Member  
*Work-Product*, Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 21 Dec 20.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 12 Jan 22.
- Exhibit D: Advisory Opinion, ABCMR Psychological Advisor, dated 18 Jan 22.
- Exhibit E: Advisory Opinion, AFPC/DP2SSM, dated 20 Jan 22.
- Exhibit F: Letter, SAF MRBC, dated 21 Jan 22.
- Exhibit G: Letter, SAF/MRBC, w/atchs (Liberal Consideration Guidance), dated 6 Apr 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

1/9/2024

*Work-Product*

Board Operations Manager, AFBCMR

Signed by: *Work-Product*