



**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-2021-02707

*Work-Product*

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

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**APPLICANT'S REQUEST**

Her narrative reason for separation be changed from Misconduct to Medical.

**APPLICANT'S CONTENTIONS**

She was an alcoholic, made a lot of mistakes and should have been offered treatment prior to her discharge. Both times she got into trouble were caused by alcohol. When she returned home her parents realized she had a problem and assisted her. Subsequently she never drank again and has worked for 11 years, purchased a home and is now raising three children. She is concerned her narrative reason for separation could affect future employment.

In support of her request the applicant provides a copy of an Article 15 and a character reference letter.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a former Air Force airman (E-2).

On 15 Aug 01, the applicant's commander recommended she be discharged from the Air Force, under the provisions of AFDP 36-32, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airmen*, para 5.49. The specific reasons for this action were between 21 Feb 01 and 2 Aug 01, the applicant received 19 AETC Forms 341, *Excellence/Discrepancy Report*, a Letter of Counseling, and three Letters of Reprimand for failing dorm inspections, failing to adhere to curfew, being late for formation, consuming alcohol while underage, and allowing coed visitation and smoking in her dorm room..

On 22 Aug 01, the staff judge advocate found the discharge action legally sufficient.

On 6 Sep 01, the discharge authority directed the applicant be discharged for Minor Disciplinary Infractions with a general (under honorable conditions) service characterization without probation and rehabilitation.

On 12 Sep 01, the applicant received a general (under honorable conditions) discharge. Her narrative reason for separation is "Misconduct" and she was credited with 8 months and 16 days of total active service.

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Controlled by: SAF/MRB  
CUI Categories: SP-MIL/SP-PRVCY  
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For more information, see the excerpt of the applicant's record at Exhibit B.

**POST-SERVICE INFORMATION**

On 22 Mar 22, 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?

On 25 Jul 18, the Under Secretary of Defense Personnel and Readiness (USD P&R) issued supplemental guidance 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 the supplemental guidance, paragraphs 6 and 7.

On 22 Mar 22, the Board staff provided the applicant a copy of the above guidance (Exhibit G).

**AIR FORCE EVALUATION**

AFPC/DP2SSR recommends denying the application. The commander provided the Base Discharge Authority ample documentation to support the reason for separation and character of service. Based on review of the applicant's request and the master of personnel record, there is no error or injustice with the discharge processing.

The complete advisory opinion is at Exhibit C.

**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 a medical discharge based on her mental health condition. The applicant reported having two alcohol related misconduct in her petition, but her military records showed she had engaged in at least 19 misconduct infractions during her brief time in service of 8 months. Only one of her misconduct infractions was identified as an alcohol related incident, which was underage drinking. It is possible her other misconduct were alcohol related incidents but there are no records documenting it was a continuous or serious pattern of behavior that would warrant a command directed referral for alcohol/substance abuse evaluation. The applicant did not sufficiently explain her other 18 infractions and those that were not alcohol related. The applicant's responses to her behaviors and discharge action at the snapshot in time of service revealed she had problems adjusting to the military structure and had issues back home that caused her to feel stressed and depressed. Her depression and family/friend stressors were not caused by her military duties. The applicant made no mention of these issues in her petition. Her reported depression and stressors may possibly explain some of her behaviors such as being late or failed to show to formation due to sleep issues but not all of them. She failed to obey curfew multiple times, was smoking in her dorm room, lied to a senior non-commissioned officer (SNCO), and was observed riding in a personal owned vehicle in violation of Phase Program rules. These behaviors could not be explained by her depression. Additionally, her documented misconduct were abnormally excessive in a short period of time and could not mitigate her behaviors and discharge. There were no records she sought any mental health treatment for her depression and stressors to alleviate her problems. She stated in one response she was seeing a doctor for treatment with her sleeping issues, but this treatment record was not available for review to determine how severe her sleep issues were and if she was prescribed a sleep aid. There were however, multiple records indicating her leadership had tried multiple times to counsel her on her behaviors and had given her ample opportunities to repair her behaviors, but she was unreceptive to those efforts. She kept repeating the same poor and negative behaviors even after she had acknowledged her behaviors, apologized for her actions, and pledged to improve her behaviors.

The applicant is requesting a medical discharge for alcoholism. This condition is considered unsuited for military service and does not meet criteria for a medical discharge. There were no records, from service or post service, reporting she was diagnosed with any alcohol use disorders. Since her service treatment records were not available for review, there were no records reporting she had any potentially unfitting mental health conditions that would meet criteria for a referral to the Medical Evaluation Board for a possible medical discharge, no records she was placed on a duty limiting conditions profile due to her mental health condition, she was never deemed not worldwide qualified for deployments, temporary duty, etc. because of her mental health condition, and no statements from her leadership she had any observed mental health concerns that may impair her ability to perform her military duties in accordance to her office, grade, rank or rating.

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There is insufficient evidence to support the applicant's request for a medical discharge. There was no error or injustice identified with her discharge from service.

Liberal consideration is applied to her request based on her contention of a mental health condition of alcoholism. The following are responses based on information presented in the 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 requests a medical discharge because at the time of her discharge, she was an alcoholic and was not offered any treatment before discharge.

2. Did the condition exist or experience occur during military service?  
There is evidence the applicant received an Article 15 for underage drinking during military service and no evidence she received any alcohol/substance abuse evaluation or treatment after this incident. There were no records reporting she was diagnosed with an alcohol use disorder during service. The applicant reported she was depressed and stressed due to her family and friends' situations from back home affecting her behaviors. There was no evidence she received a mental disorder diagnosis or treatment for depression or any other conditions during service.

3. Does the condition or experience actually excuse or mitigate the discharge?  
The applicant contends she had two alcohol related misconduct infractions during service but her objective military records showed she had a total of 19 documented infractions and only one of these misconduct infractions were identified as alcohol related. She did not address or explain her other numerous misconduct infractions. Her reported alcohol issues were not the primary reason she was discharged, but due to a pattern of misconduct. Alcohol abuse or dependency is also considered to be an unsuiting and not unfitting condition for military service. There was no evidence she had any unfitting mental health condition that would warrant a medical discharge. Her depression and stressors may explain some, but not all of her behaviors and does not cause her excessive behavioral problems during service. Her mental health condition or experience does not excuse or mitigate her discharge.

4. Does the condition or experience outweighs the discharge?  
The applicant does not have any unfitting mental health conditions that would support her request for a medical discharge. Her mental health condition or experience does not outweigh her original administrative 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 15 Feb 22 for comment (Exhibit E), and the applicant replied on 12 Mar 22. In her response, the applicant contends prior to enlisting, she smoked marijuana which resulted in a pattern of addictive behaviors. Her disciplinary infractions were an indirect result of her alcohol use. She was unaware she needed help with her alcoholism and was never offered assistance.

The applicant's complete response is at Exhibit F.

**FINDINGS AND CONCLUSION**

1. The application was timely filed. Given the requirement for passage of time, all clemency requests are technically untimely. However, it would be illogical to deny a clemency 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. The Board concurs with the rationale and recommendation of AFPC/DP2SSR and the AFBCMR Psychological Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. In the interest of justice, the Board considered changing her narrative reason for separation based on fundamental fairness; however, given the evidence presented, the Board finds no basis to do so. Finally, the Board is satisfied that the application of liberal consideration does not warrant relief. Therefore, the Board recommends against correcting the applicant's record.
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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2021-02707 in Executive Session on 25 May 22:

- 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, w/atchs, undated.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/ DP2SSR, dated 9 Feb 22.
- Exhibit D: Advisory Opinion, AFBCMR Psychological Advisor, dated 14 Feb 22.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 15 Feb 22.
- Exhibit F: Applicant's Response, w/atchs, dated 12 Mar 22.
- Exhibit G: Letter, SAF/MRBC, w/atchs (Post-Service Request and Liberal Consideration Guidance), dated 22 Mar 22.

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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.

3/15/2023

*Work-Product*

Board Operations Manager, AFBCMR  
Signed by: USAF

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