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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00625

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT’S REQUEST

His “Uncharacterized” Entry Level Separation (ELS) be upgraded to a medical separation.

APPLICANT’S CONTENTIONS

His “Uncharacterized” ELS due to his borderline personality disorder (BPD) needs to be changed to a medical separation. This lack of service characterization has affected his ability to receive Veteran’s status and/or benefits.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 26 Jul 01, DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflects the applicant received an “Uncharacterized” ELS in the grade of airman basic (E-1) after serving 5 months and 14 days of active duty. He was discharged, with a narrative reason for separation of “Personality Disorder.”

For more information, see the excerpt of the applicant’s record at Exhibit B and the advisory at Exhibit C.

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

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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 for 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 paragraphs 6 and 7 of the Wilkie memorandum.

On 23 Aug 22, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit E).

According to AFI 36-3208, *Administrative Separation of Airmen*, incorporating changes through 8 Jun 17, paragraph 1.18, the types of service characterization are as follows:

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.

Under Other than Honorable Conditions. When basing the reason for separation on a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of airmen. The member must have an opportunity for a hearing by an administrative discharge board or request discharge in lieu of trial by court-martial.

Entry Level Separation. Airmen are in entry level status during the first 180 days of continuous active military service or the first 180 days of continuous active military service after a break of more than 92 days of active service. Determine the member's status by the date of notification; thus, if the member is in entry level status when initiating the separation action, describe it as an entry level separation unless:

- A service characterization of under other than honorable conditions is authorized under the reason for discharge and is warranted by the circumstances of the case; or
- The Secretary of the Air Force determines, on a case-by-case basis, that characterization as honorable is clearly warranted by unusual circumstances of personal conduct and performance of military duty.

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 his record. The Board may consider changing his narrative reason for separation to "Condition Not A Disability" on his DD Form 214 for privacy reasons. The applicant's discharge paperwork and service treatment records were not available or submitted by the applicant for review. Without these vital records, the Psychological Advisor is unable to determine with a degree of certainty if there was any error or injustice with his diagnosis or discharge, and/or whether he had any unfitting mental health conditions that would meet criteria for a medical discharge/separation as requested. There was no evidence he was placed on a duty limiting condition profile or deemed not worldwide qualified due to this mental health condition and no reports from his leadership his mental health condition had impacted his ability to reasonably perform his military duties pertaining to his office, grade, rank or rating. The applicant's DD Form 214 reported he was discharged for reason of "Personality Disorder." This mental health condition is considered unsuited for military service meeting criteria for an administrative discharge, which he appeared to appropriately receive, and not a medical discharge. He also received an "Uncharacterized" character of service because he served less than 180 days of continuous active military service, and this characterization is in accordance with current policy. Due to the absence of records, presumption of regularity is applied and the Psychological Advisor finds no error or injustice with his discharge from service.

Although there was no error or injustice identified with his diagnosis and discharge, the applicant's DD Form 214 currently lists his narrative reason for separation as "Personality Disorder." The

Board may consider changing his narrative reason to “Condition Not a Disability” for privacy reasons. This narrative reason is also appropriate per liberal consideration guidance. The narrative reason of “Secretarial Authority” is not appropriate or recommended because there was no evidence his personality disorder diagnosis was made in error. The decision to change his narrative reason is at the Board’s discretion.

Liberal consideration is applied to the applicant’s request due to the contention of a mental health condition. The following are responses to the four questions in 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 is requesting a medical separation. He was discharged for BPD and was given an “Uncharacterized” character of service. This lack of characterization has affected his ability to receive veteran status and/or benefits.

2. Did the condition exist or experience occur during military service?
The applicant’s discharge paperwork and service treatment records are not available for review. He was discharged for “Personality Disorder” according to his DD Form 214 and his personality disorder had existed and occurred during military service.

3. Does the condition or experience excuse or mitigate the discharge?
There is no evidence the applicant had any unfitting mental health condition that would result with a medical discharge/separation. He was discharged for having an unsuiting personality disorder and furnished with an “Uncharacterized” discharge due to his ELS discharge. His unsuiting mental health condition caused his discharge but does not excuse or mitigate his discharge.

4. Does the condition or experience outweigh the discharge?
Since there is no evidence his mental health condition excuses or mitigates his discharge, his condition also does not outweigh his discharge. There is no error or injustice identified with the applicant’s ELS discharge for his personality disorder and “Uncharacterized” character of service. Lastly, there is no evidence he any unfitting mental health condition meeting criteria for a medical discharge and would not outweigh his administrative discharge.

The complete advisory opinion is at Exhibit C.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 22 Aug 22 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
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 AFRBA Psychological Advisor and finds a preponderance of the evidence substantiates the applicant’s contentions in part. Specifically, due to possible adverse negative consequences of the applicant’s narrative reason for separation, the Board recognizes the potential stigma of “Personality Disorder” listed on his DD Form 214 which is sufficient to warrant a change to his records. Therefore, the Board recommends correcting the applicant’s records as indicated below. 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; however, the Board finds no evidence the applicant had a mental health condition that impaired his ability to reasonably perform his military duties in accordance with his office, grade, rank, or rating. He was found to have a condition that was unsuited for continued military service but not an unfitting condition meeting criteria to be processed through medical channels for a medical discharge. The characterization of the applicant’s service was deemed uncharacterized as the applicant did not complete the entry level status of 180 days of active service as detailed in AFI 36-3208.

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 the APPLICANT be corrected to show his DD Form 214, *Certificate of Release or Discharge from Active Duty*, Block 26, *Separation Code* be changed to “JFV” and Block 28, *Narrative Reason for Separation* be changed to “Condition, Not A Disability,” under the provisions of AFI 36-3208, *Administrative Separation of Airmen*.

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 the Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2022-00625 in Executive Session on 26 Oct 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, dated 16 Feb 22.

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

Exhibit C: Advisory Opinion, AFRBA Psychological Advisor, dated 17 Aug 22.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 Aug 22.

Exhibit E: Letter, SAF/MRBC, w/atchs (Liberal Consideration Guidance), dated 23 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.

9/22/2023

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Board Operations Manager, AFBCMR

Signed by: USAF

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