



**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-2022-01912

*Work-Product*

**COUNSEL:**

*Work-Product*

**HEARING REQUESTED:** YES

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**APPLICANT'S REQUEST**

His "Uncharacterized" Entry Level Separation (ELS) be changed to honorable with a narrative reason for separation of "Secretarial Plenary Authority."

**APPLICANT'S CONTENTIONS**

He experienced serious and continuous racial harassment while at Basic Military Training (BMT). The harassment had a detrimental effect on him and affected his growth as an airman and his relationships with those around him. Despite his efforts to address the torment he experienced from his supervisors, the racial harassment continued. He had self-referred to behavioral health and was diagnosed with Adjustment Disorder with Depressed Mood. He was separated shortly thereafter on the basis of a "Personality Disorder" essentially shifting the blame and the burden of racial harassment away from the perpetrators and onto himself. The racial harassment he faced at BMT directly contributed to his ELS. He was never diagnosed with a personality disorder. Over the past 17 years, he has strived to come to terms with his time in the Air Force. Since separating from the Air Force, he feels the weight of his unjust ELS and his record should reflect his attempt to faithfully serve his country. His efforts to adapt and thrive in the military were impeded by the racial harassment he faced every day which led to his discharge; not because he was unable to adapt to the military.

To support his claim, the applicant provided his medical examination report, his high school diploma and Air Force Junior Reserve Officers' Training Corps (AFJROTC) Certificate, his basic training records, a personal statement, his resume, and other post-service documents attesting to his character.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a former Air Force airman first class (E-3).

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Controlled by: SAF/MRB  
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On 20 Aug 04, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.11.9 for conditions that interfere with military service, specifically, mental disorders. The specific reason for the action was the Mental Health Evaluation, dated 12 Aug 04, which diagnosed him with Adjustment Disorder with Depressed Mood indicating his ability to function in the military was significantly impaired by his condition and recommended he be discharged from the military.

On 20 Aug 04, the Chief of Adverse Actions found the discharge action legally sufficient.

On 23 Aug 04, the discharge authority directed the applicant be discharged with an "Uncharacterized" ELS for a mental disorder.

On 25 Aug 04, the applicant received an "Uncharacterized" ELS. His narrative reason for separation is "Personality Disorder" and he was credited with 27 days of total active service.

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 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?

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- 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 15 Sep 22, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit E).

According to AFI 36-3208, 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 the applicant's legal counsel's contentions were partially corroborated. While it was possible the applicant experienced racial harassment during his brief time in service, there was no evidence this experience contributed to his involuntary separation as contended. His records revealed he clearly had difficulties adjusting to BMT affecting his ability to perform and accomplish assigned task satisfactorily and successfully. He admitted to his leadership, BMT was too fast and he struggled to keep up. His difficulties were also caused by his concerns for his mother's health, as he had

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reported this information to both his leadership and his mental health provider. His leadership provided to him the opportunity to speak with his mother and contact the Hindu Chaplain to mitigate his concerns. His continued difficulties caused by his mother's health and adjusting to the military caused him to experience depressive symptoms such as depressed mood and affect, constricted cognitions, poor concentration and easily confused, detached speech, and sleep and eating disturbances. He was given a diagnosis of Adjustment Disorder with Depressed Mood due to these experiences and symptoms and his mental disorder diagnosis was assessed to be appropriate and valid. He was separated for having an unsuiting Adjustment Disorder which was the basis of his ELS discharge. There was no evidence his experience of racial harassment caused him to have depressive symptoms or was related to his ELS discharge. To reiterate, it was his concern for his mother's health and his difficulties adjusting to the military that caused his administrative separation. Thus, there was no error or injustice identified with his discharge.

The applicant's DD Form 214 currently lists his narrative reason for separation as "Personality Disorder." There was no evidence he was diagnosed with any personality disorders during service as contended by his legal counsel and this appears to be an administrative error. Personality Disorders and Adjustment Disorders are both considered to be unsuiting mental health conditions, resulting with an administrative discharge. This was most likely the reason for the error as these conditions share the same classification and not because of allegations of shifting blame and burden of racial harassment away from his perpetrators and onto the applicant. To correct this identifiable error, the Psychological Advisor recommends the Board change his narrative reason for separation to "Condition Not A Disability." This narrative reason is the appropriate and correct reason for his actual separation from service and is an acceptable narrative reason per liberal consideration guidance, Kurta Memorandum #17. The applicant's legal counsel is requesting a change of his narrative reason to "Secretarial Plenary Authority" or simply "Secretarial Authority." This narrative reason is also acceptable under liberal consideration. The decision to change and choose the proper narrative reason for the applicant 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's legal counsel contends the applicant's racial harassment experiences were a contributing factor to his ELS discharge. He was diagnosed with Adjustment Disorder with Depressed Mood but his narrative reason on his DD Form 214 currently lists "Personality Disorder" to essentially shift blame and burden of racial harassment from the perpetrators and onto the applicant. His legal counsel contends he was never diagnosed with a personality disorder during service.

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

The applicant was given a diagnosis of Adjustment Disorder with Depressed Mood due to his concerns/stressors relating to his mother's health and his difficulties adjusting to the military causing him to feel depressed. His adjustment disorder diagnosis was found to be appropriate and

valid based on his reported symptoms and clinical presentation during service. There was no evidence he was diagnosed with any personality disorders during service.

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

The applicant's Adjustment Disorder not Personality Disorder was the cause and reason for his discharge. Both conditions result with an administrative discharge and so there is no error or injustice with his general administrative discharge. However, there was an administrative error with his narrative reason on his DD Form 214 and his narrative reason should be changed to "Condition Not A Disability." There was no evidence his experiences with racial harassment contributed to his discharge as claimed because it was clear in his records he had difficulties adjusting to the military which was exacerbated by concerns for his mother's health. His mental health condition and experience do not excuse or mitigate his discharge.

4. Does the condition or experience outweigh the discharge?

There is no error identified with the applicant's administrative discharge for having an unsuiting mental health condition; his condition and experience do not outweigh his original 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 15 Sep 22 for comment (Exhibit D), and the applicant replied on 9 Oct 22. In his response, the applicant's counsel contends his narrative reason should be changed to "Secretarial Authority" and agrees with the advisory opinion a mistake was made which lists the applicant's narrative reason as "Personality Disorder." The applicant's counsel does not agree that "Condition Not a Disability" should be listed on his DD Form 214 as this does not accurately reflect the circumstances of his separation. The Psychological Advisor admits it was possible the applicant experienced racial harassment during his brief time in service but contends there is no evidence the harassment he faced contributed to his separation. To the contrary, the evidence submitted in support of his original application demonstrates his separation and the circumstances leading up to it was a result of the continuous harassment he endured. He excelled in the AFJROTC program and received numerous recognitions. His success demonstrates he had the potential to become a great airman and it was unlikely he would have struggled so greatly in BMT if it were not for some intervening event such as racial harassment. The lack of records documenting the harassment should not be viewed as an indication the harassment did not occur, as the military instructors that perpetuated the harassment were the same ones that counseled him for having difficulties adjusting. Under Liberal Consideration Guidance, "Secretarial Authority" is authorized and just as the narrative reason of "Personality Disorder" holds a certain negative stigma for many people, the narrative reason of "Condition Not A Disability" carries a similar prejudice.

The applicant's complete response is at Exhibit F.

**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 AFRBA Psychological Advisor and finds a preponderance of the evidence substantiates the applicant’s contentions in part. Specifically, the Board finds the applicant’s narrative reason for separation in error and should have reflected he was separated for an Adjustment Disorder. Furthermore, due to possible adverse negative consequences of the applicant’s narrative reason for separation, the Board recognizes the potential stigma of “Personality Disorder or Adjustment Disorder” listed on his DD Form 214 which is sufficient to warrant a change to his records based on liberal consideration. 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. The Board finds the applicant was having difficulties adjusting to the military and his concerns for his mother’s health caused his administrative discharge. The Board acknowledges the applicant’s contention he was discriminated against and inequality and systemic racism was the root of his discharge; however, other than his own assertions, we do not find the evidence presented sufficient to support this claim. 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 25 August 2004, he was discharged with a separation code and corresponding narrative reason for separation of JFF (Secretarial Authority).

**CERTIFICATION**

The following quorum of the Board, as defined in 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-2022-01912 in Executive Session on 25 Jan 23:

<i>Work-Product</i>	Panel Chair
	, Panel Member
<i>Work-Product</i>	Panel Member

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

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- Exhibit A: Application, DD Form 149, w/atchs, dated 5 Jul 22.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFRBA Psychological Advisor, dated 14 Sep 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 15 Sep 22.
- Exhibit E: Letter, SAF/MRBC, w/atchs (Post-Service Request and Liberal Consideration Guidance), dated 15 Sep 22.
- Exhibit F: Applicant's Response, w/atchs, dated 9 Oct 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.

1/3/2024

*Work-Product*

Board Operations Manager, AFBCMR

Signed by:

*Work-Product*