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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02212

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT’S REQUEST

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

APPLICANT’S CONTENTIONS

He suffered from Post-Traumatic Stress Disorder (PTSD) after being verbally harassed and abused in the workplace because of a failed fitness test and being in a boot camp environment in his unit. During that time, being around a toxic culture caused him to have boss anxiety which still affects him to this day and affects his ability to have friends and regular relationships. His research on his unit during that time and the headlines it had on the national news, validates what he was going through mentally with depression and suicidal thoughts.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 28 May 14, the applicant’s commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*. The specific reasons for the action were:

- a. On 2 Feb 12, he received a Letter of Counseling (LOC) for a failed room inspection on 31 Jan 12.
- b. On 21 Feb 12, he received an LOC for failing to complete his Career Development Course (CDC) material.
- c. On 30 Sep 13, he received a Letter of Reprimand (LOR) for failing to report to physical training at the prescribed time on 26 Sep 13.
- d. On 17 Dec 13, he received nonjudicial punishment (NJP) action under Article 15, Uniform Code of Military Justice (UCMJ) for failing to go to the prescribed place of duty

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on 30 Nov 13 and 3 Dec 13. He received a reduction in grade to airman with a new date of rank of 17 Dec 13; forfeiture of \$474.00 pay per month for two months, suspended through 16 Jun 14, after which time it will be remitted without further action, unless sooner vacated; seven days extra duty, and a reprimand.

e. On 18 Mar 14, according to AF Form 366, *Record of Proceedings of Vacation of Suspended Nonjudicial Punishment*, the applicant was notified his commander was considering whether to vacate the suspension of his NJP. The AF Form 366 states the applicant knew his duties were derelict in the performance of those duties in that he willfully failed to gain access to all systems to take over as the training squadron's Unit Personnel Coordinator, as it was his duty to do. The suspended forfeiture of \$474.00 pay per month for two months was vacated.

f. On 23 Apr 14, he received an LOR for wrongfully mishandling mail over a six-month period.

On 27 Jun 14, the Staff Judge Advocate found the discharge action legally sufficient.

On 30 Jun 14, the discharge authority directed the applicant be discharged for minor disciplinary infractions, with a general (under honorable conditions) service characterization. Probation and rehabilitation were considered, but not offered.

On 18 Jul 14, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct (Minor Infractions)" and he was credited with three years of total active service.

On 2 Jan 16, the applicant submitted a request to the Air Force Discharge Review Board (AFDRB) for an upgrade to his discharge.

On 28 Sep 16, the AFDRB concluded the discharge was consistent with the procedural and substantive requirements of the discharge regulation, was within the discretion of the discharge authority and the applicant was provided full administrative due process.

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 5 Apr 23, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit E).

Department of the Air Force Instruction (DAFI) 36-3211, *Military Separations*, describes the authorized service characterizations.

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

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

AIR FORCE EVALUATION

The AFRBA Psychological Advisor finds insufficient evidence has been presented to support the applicant's request for an upgrade of his discharge. The applicant contends he developed PTSD caused by being verbally harassed and abused in the workplace because he failed his fitness test, being in a boot camp environment, and being around a toxic culture causing him to still have anxiety presently. The applicant did make complaints to his military providers of his toxic leadership and harassments, but these were his self-reports. There was no substantive evidence in his objective military records to corroborate any of these claims. His records showed he was given opportunities by his leadership through counseling and reprimands to repair his behaviors, but he was not amenable to those efforts. There is evidence he developed anxiety and depression because

of his work stressors but no evidence he had any PTSD or trauma and stressor related symptoms during service. There were no trauma or traumatic experiences reported in any of his treatment records during service. He was diagnosed with Adjustment Disorder with Anxiety, Adjustment Disorder with Mixed Anxiety and Depressed Mood, and Occupational Problem by mental health providers and his primary healthcare manager for his emotional distress caused by his occupational stressors. It appeared he had difficulties adhering to military standards and performance expectations of him that were not extraordinary or inconsistent to his peers. He was diagnosed with PTSD by the Department of Veterans Affairs (DVA) a few years post discharge and he may have experienced a delayed onset of this condition causing him to meet diagnostic criteria later, which is not uncommon. The applicant was provided with service connection for PTSD/unspecified trauma and stressor related disorder by the DVA post service, but service connection does not demonstrate causation or mitigation. His mental health condition was not found to have caused or was a mitigating factor to most of his misconduct and subsequent discharge.

Liberal consideration is applied to the applicant's request. The following are responses to the four questions from the Kurta Memorandum from information presented in the records for review:

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?

The applicant contends he developed PTSD caused by being verbally harassed and abused in the workplace because he failed his fitness test, being in a boot camp environment, and being around a toxic culture causing him to still have anxiety presently.

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

There is no evidence the applicant had PTSD or similar conditions such as any Trauma- and Stressor-Related Disorders during service. He was given a diagnosis of adjustment disorder with anxiety, adjustment disorder with Mixed Anxiety and Depressed Mood, and Occupational Problems by his military providers for developing anxiety and depression due to work stress. He was diagnosed with PTSD by the DVA years after discharge.

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

Giving the applicant the benefit of the doubt his mental health condition may have caused at least one of his misconducts, his mental health condition could not sufficiently explain or was demonstrated to have had a direct impact to most of his misconducts and subsequent discharge. His mental health condition or experience does not excuse or mitigate his discharge.

4. Does the condition or experience outweigh the discharge?

Since his mental health condition or experience does not excuse or mitigate his discharge, his condition or experience also does 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 5 Apr 23 for comment (Exhibit D), and the applicant replied on 26 Apr, 5 May, and 6 May 23. In his responses, the applicant contends he was unaware of the extent of trauma he suffered during his time in the military until he returned to corporate America after service. In 2022, he discovered he had a severe Deviated Septum in his left nostril, which causes breathing issues when he runs and was the primary reason for his physical training issues in the military. Upgrading his discharge would be extremely beneficial for him and his family for generations to come. With the assistance of military education benefits, he plans to start a business that will employ other veterans who need assistance or who have made mistakes and wish to redeem themselves. He provided a resume, a character reference letter from a former military supervisor, a letter of recommendation and medical records to support his contentions.

The applicant's complete responses are at Exhibit F.

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. Additionally, the Board concurs with the rationale and recommendation of the AFRBA Psychological Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board finds no evidence the applicant suffered PTSD during his time in the service and except for his own admission, finds no evidence to support his claim he endured harassment or abuse in the workplace. 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 did not provide any evidence or records to substantiate his claim a mental health condition or the alleged harassment he endured in the service caused the majority of his misconduct, thus his condition does not mitigate or excuse his discharge. The burden of proof is placed on the applicant to submit evidence to support his claim. Therefore, the Board recommends against correcting the applicant's records.
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 DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2022-02212 in Executive Session on 21 Jun 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, w/atchs, dated 19 Aug 22 and 29 Aug 22.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFRBA Psychological Advisor, dated 3 Apr 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 5 Apr 23.
- Exhibit E: Letter, SAF/MRBC, w/atchs (Liberal Consideration Guidance), dated 5 Apr 23.
- Exhibit F: Applicant’s Response, w/atchs, dated 26 Apr 23, 5 May 23, and 6 May 23.

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.

12/5/2024

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Board Operations Manager, AFBCMR
Signed by: Work-Product