



**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-2022-02659

*Work-Product*

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

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**APPLICANT'S REQUEST**

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be changed to reflect a medical retirement.

**APPLICANT'S CONTENTIONS**

When he joined the Air Force, he notified his doctor at the Military Entrance Processing Station (MEPS) he had been diagnosed with a very mild case of Asperger's Syndrome. The doctor said it was no problem since his test scores were high, and he would be scheduled for additional testing when he arrived at Technical Training School. He was mistreated, harassed, and belittled by his section's noncommissioned officers (NCOs) and never provided with the proper training and work environment. The NCOs did not give him the chance to show his potential because he came across as awkward. As a result, he fell into a deep depression and had major anxiety attacks. The Air Force should have taken the proper course of action when a medical condition is either the reason or has been aggravated by Air Force duty which would qualify for a medical retirement.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

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

On 26 Apr 19, the applicant's commander recommended the applicant be discharged from the Air Force for Unsatisfactory Performance: Failure to Progress in Military Training, under the provisions of Air Force Policy Directive 36-32, *Military Retirements and Separation* and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.26.3.

On 9 May 19, the Chief of Military Justice found the discharge action legally sufficient.

On 14 May 19, the discharge authority directed the applicant be discharged under the provisions of AFI 36-3208, paragraph 5.26.3 for Unsatisfactory Performance: Failure to Progress in Military Training, with an honorable service characterization without the offer of probation and rehabilitation.

On 28 May 19, the applicant received an honorable discharge. His narrative reason for separation is "Unsatisfactory Performance." He was credited with 3 years and 19 days of total active service.

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

**APPLICABLE AUTHORITY/GUIDANCE**

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.

**AIR FORCE EVALUATION**

AFPC/DP2SSR reviewed the master of personnel record and did not find any error or injustice with the discharge processing. The applicant's commander provided the Base Discharge Authority (BDA) with ample evidence to support discharge and character of service. The applicant's discharge package contains information the unit attempted rehabilitative efforts over a two year period but without success. Furthermore, the commander informed the BDA the applicant indicated he did not want to be retained and had been accepted to a university program. The BDA determined it was in the best interest of the Air Force and the applicant to execute the discharge.

The complete advisory opinion is at Exhibit C.

The AFRBA Psychological Advisor completed a review all available records and finds insufficient evidence to support the applicant's request for a medical discharge or retirement based on his mental health condition. The Psychological Advisor finds the applicant had difficulties adjusting to the military environment to include being able to perform his assigned duties, follow directions, and difficulties completing and advancing in his training. His difficulties and struggles were complicated and caused by his mental health condition of Asperger's Syndrome, a form of high functioning autism, but also known as Autism Spectrum Disorder (ASD). His condition existed prior to service (EPTS) and he had received a waiver for this condition to remain in the service. He was unable to adapt fully or successfully enough to remain in the service as his behaviors constituting his unsatisfactory performance had reached a threshold that made him incompatible for continued military service, triggering his administrative discharge. Although his condition of Asperger's Syndrome or ASD had impaired his ability to reasonably perform his military duties in accordance with his office, grade, rank, or rating, Asperger's Syndrome/ASD is not categorized as an unfitting condition but as an unsuiting condition. Thus, he had an unsuiting mental health condition.

The applicant was diagnosed with Major Depressive Disorder (MDD), which was a secondary condition to his occupational problems derived from his Asperger's Syndrome and never elevated to a primary condition and in turn, also never elevated to potentially unfitting meeting criteria to be referred to a Medical Evaluation Board (MEB) and Disability Evaluation System (DES) for a potential medical discharge/retirement. Post-service, he did receive a 50 percent rating for MDD with anxious distress from the DVA.

There is no evidence his military service, duties, or experiences permanently aggravated his EPTS condition of Asperger's Syndrome beyond the natural progression of the condition/disorder. His military experiences exacerbated but did not aggravate his condition. This was evident by his report of his successful post-service academic achievements but also he had similar problems during service as he had prior to his service. If his military service had permanently aggravated

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his EPTS Asperger's condition, he would continue to struggle post-service, which the available records do not corroborate this impression. Therefore, there is no error or injustice with his discharge from a mental health perspective.

The military's DES, established to maintain a fit and vital fighting force, can by law, under Title 10, U.S.C., only offer compensation for those service incurred diseases or injuries which specifically rendered a member unfit for continued active service and were the cause for career termination; and then only for the degree of impairment present at the time of separation and not based on post-service progression of disease or injury. To the contrary, the DVA, operating under a different set of law, Title 38, U.S.C., is empowered to offer compensation for any medical condition with an established nexus with military service, without regard to its impact upon a member's fitness to serve, the narrative reason for release from service, or the length time transpired since the date of discharge. The DVA may also conduct periodic reevaluations for the purpose of adjusting the disability rating awards as the level of impairment from a given medical condition may vary (improve or worsen) over the lifetime of the veteran.

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 18 Apr 23 for comment (Exhibit E) but has received no response.

**FINDINGS AND CONCLUSION**

1. The application was timely filed. Given the requirement for passage of time, all clemency and discharge requests are technically untimely. However, it would be illogical to deny such 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 of the AFRBA Psychological Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. His mental health conditions were found to have influenced his inability to adjust to the military environment and were considered unsuiting for military service meeting criteria for an administrative discharge; however, he did not have any unfitting mental health conditions to be referred to the Medical Evaluation Board (MEB) for a medical discharge. The military's DES established to maintain a fit and vital fighting force, can by law, under Title 10, U.S.C., only offer compensation for those service incurred diseases or injuries, which specifically rendered a member unfit for continued active service and were the cause for career termination; and then only for the degree of impairment present at the "snapshot" time of separation and not based on post-service progression of disease or injury to which the DVA can offer compensation. 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**

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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-2022-02659 in Executive Session on 21 Jun 23:

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

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 28 Sep 22.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 18 Oct 22.
- Exhibit D: Advisory Opinion, AFRBA Psychological Advisor, dated 12 Apr 23.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 18Apr 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.

2/5/2024

*Work-Product*

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Board Operations Manager, AFBCMR  
Signed by: *Work-Product*