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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01083

Work-Product

COUNSEL: Work-Product

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HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. Her reentry (RE) code changed from 4H.
2. Her separation program designator (SPD) code changed from KDF.

APPLICANT'S CONTENTIONS

She did not know what these codes were until she was denied Federal Employment due to her reentry code. The codes present a negative picture of her military service. When she returned from deployment in 2006, she had a difficult time re-adjusting and was no longer able to function in her duties. Her leadership was not understanding and demanded she keep coming to work. One day when she was to report to duty, she did not feel like she could physically perform the duties, so she went to the base hospital where her obstetrician (OB) diagnosed her with psychosis. Security forces apprehended her at the appointment and charged her with failure to obey a lawful order. This should have never happened to her. Someone should have noticed the change in her behavior after deployment and her condition should have been reported to leadership. No one in her condition should have been expected to carry a weapon daily for work. Because she developed a mental health condition while serving, these codes do not accurately reflect who she is, or her six-years of active-duty service.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 3 Apr 07, the AF Form 31, *Airman's Request for Early Separation/Separation Based on Change in Service Obligation*, indicates the separation authority approved the applicant's request for early separation due to pregnancy.

On 13 Jun 07, the DD Form 214, *Certificate of Release or Discharge from Active Duty*, indicates the applicant received an honorable discharge. Her narrative reason for separation is "Completion

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of Required Service” with an SPD code of “KDF” and a RE code of “4H” which denotes “serving suspended punishment pursuant to Article 15, Uniform Code of (UCMJ).” She was credited with 6 years and 14 days of total active service. It was noted, the narrative reason for separation and corresponding SPD code did not match on her DD Form 214. This was administratively corrected to reflect “Pregnancy or Childbirth” to correspond to the SPD code of “KDF.”

For more information, see the excerpt of the applicant’s record at Exhibit B and the advisories at Exhibits C, D, and G.

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 Post-Traumatic Stress Disorder S(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 for Personnel and Readiness issued supplemental guidance, known as the Wilkie Memo, 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 Memo.

On 25 Oct 24, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit E).

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 her records from a mental health perspective. There is evidence the applicant was seen twice during service at the mental health clinic (MHC) or life skills support center (LSSC) for feeling upset and having anxiety caused by receiving an Article 15. She decided to accept her punishment and not fight it despite not agreeing with the punishment, causing her to feel relieved. She opted not to follow up most likely because this situational stressor had resolved based on her treatment notes. She was given a diagnosis of adjustment disorder with anxiety for her emotional reaction to her situational work stressor by her military mental health provider. The applicant claimed she had difficulties adjusting after she returned from her deployment in 2006 and while this situation is plausible, there is no evidence or records to support this claim. The documented adjustment problem she had during service was for a different circumstance and had no relation to her deployment experiences or her return from deployment. Neither of her adjustment issues from her Article 15 or return from deployment caused her discharge and subsequent RE and separation codes. The applicant also claimed her OB provider diagnosed her with psychosis. There is also no evidence and records whatsoever the applicant ever had psychosis or was diagnosed with a psychotic disorder during service or in her lifetime. There is no evidence the applicant's mental health condition was a causal factor in her discharge. She separated from service for completing her required military service and she chose not to re-enlist or remain in the service after her enlistment contract had ended. This was evidenced by DD Form 2648, *Preseparation Counseling Checklist for Active Component Service Member*, she completed on 6 Apr 07. She endorsed, "CHANGE IN CAREER DECISION" as a reason for her separation. There are no records reporting she was ineligible or barred from re-enlistment.

The applicant was diagnosed with PTSD developed from her military duties by her Department of Veterans Affairs (DVA) provider over 10 years after her discharge from the Air Force. There is no evidence she had PTSD during service. She most likely had a delayed onset of PTSD causing her to meet the diagnostic criteria for this condition years after her traumatic experiences had occurred. Delayed onset of PTSD is not an uncommon occurrence.

As discussed previously, the applicant's mental health treatment notes from her time in service stated she received an Article 15. The reason or misconduct for her Article 15 was not identified in her treatment records and a copy of her Article 15 was not in her military records as well. The applicant claimed she was apprehended by Security Forces and charged with failure to obey a lawful order after she attended an appointment with her obstetrician who had diagnosed her with psychosis. There is no evidence any of these situations had occurred. She also did not submit her Article 15 for review to substantiate her report. Thus, there is no evidence her Article 15 was caused by or related to her difficulties adjusting after returning from her deployment in 2006 or from psychosis. The applicant had two Enlisted Performance Reports (EPR) in her military records for the rating periods of 30 Jan 05 to 29 Jan 06 and 30 Jan 06 to 29 Jan 07 respectively. She had an increase in rating from 3 to the maximum 5 rating and was recommended for immediate promotion. This information demonstrated her work performance had improved over time and there was no problem with her work performance. Her last EPR also coincided with her return from deployment in 2006, the time period she alleged having difficulties adjusting after returning from her deployment. Her EPR does not support the notion her difficulties adjusting after returning from deployment had impacted her ability to perform her military duties.

Liberal consideration is applied to the applicant's request due to her contention of having a mental health condition. It is reminded that liberal consideration does not mandate an upgrade per policy guidance. The following are responses to the four questions from the Kurta Memorandum from the information presented in his records for review:

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?
The applicant marked "PTSD" on her application to the AFBCMR and contended she had difficulties adjusting after returning from her deployment in 2006 causing her to have difficulties performing her military duties. She claimed her OB provider diagnosed her psychosis, and her Security Forces Unit apprehended her at the appointment and charged her with failure to obey a lawful order.
2. Did the condition exist or experience occur during military service?
There is no evidence any of the applicant's contended mental disorder diagnosis and experiences had existed or occurred during her military service. There is no evidence she had or was diagnosed with PTSD or psychosis during service. She was diagnosed with PTSD by her provider at the DVA over 10 years after her discharge from the Air Force and no evidence she had psychosis during her lifetime. She was seen twice at the MHC or LSSC during service for having anxiety from receiving an Article 15. The reason for her Article 15 was not identified in her records. Once she accepted her punishment, her anxiety had resolved. She was given a diagnosis of adjustment disorder with anxiety and a condition of Occupational Problem because of her Article 15. There is no evidence her adjustment disorder was developed from her difficulties of adjusting after returning from deployment and no evidence she had difficulties adjusting after returning from her deployment during service.
3. Does the condition or experience actually excuse or mitigate the discharge?
There is no evidence that the applicant's mental health condition had caused, had a direct impact, or was a contributing factor to her discharge from service. She was discharged from service for

completing her required service. She received an RE code of 4H for “serving suspended punishment pursuant to Article 15, UCMJ,” and separation code of KDF was for “Pregnancy or Childbirth.” The reasons for these codes are not caused by or related to her mental health condition or deployment experiences. Thus, her mental health condition does not excuse or mitigate her discharge.

4. Does the condition or experience outweigh the discharge?

Since the applicant’s mental health condition does not excuse or mitigate her discharge, her condition also does not outweigh her original discharge. The applicant’s reason for discharge, RE codes, and separation code are not caused by or related to her mental health condition so her request to change her RE and separation codes is not supported.

The complete advisory opinion is at Exhibit C.

AFPC/DPMSSM (Reenlistments) recommends denying the application. There is no evidence of an error or injustice regarding the applicant’s RE code based on the documentation provided by the applicant and analysis of the facts available. She separated from the Air Force on 13 Jun 07 with an honorable character of service after serving 6 years and 14 days of service. Her RE code was 4H based on separating while serving suspended punishment from an Article 15; there is not an Article 15 in her records, but this is not an uncommon occurrence. Furthermore, the Military Personnel Data System also reflects the RE code of 4H. Lastly, she separated with over six years of service as an E-3; the grade of airman first class with six years of service and a date of rank of 4 Apr 07 would support having received an Article 15 near the time of separation, as suspended punishment is for six months.

The complete advisory opinion is at Exhibit D.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinions to the applicant on 25 Oct 24 for comment (Exhibit F) but has received no response.

ADDITIONAL AIR FORCE EVALUATION

AFPC/DPMSSR provided an information only advisory. A review of the applicant’s Master of Personnel Record and the Military Personnel Database System (MILPDS) confirms the applicant submitted a voluntary separation request based on pregnancy. The application was approved by the Base Discharge Authority and the applicant separated from the Air Force. As a result, the SPD code “KDF” for pregnancy is correct as indicated on the DD Form 214. There is an error on the DD Form 214 where the technician put an incorrect narrative reason for separation to reflect “Completion of Required Active Service” versus “Pregnancy/Childbirth.”

The complete advisory opinion is at Exhibit G.

APPLICANT’S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the advisory opinions to the applicant on 26 Nov 24 for comment (Exhibit H) but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed. Given the requirement for passage of time, all discharge upgrade requests under fundamental fairness or clemency are technically untimely. However, it would be illogical to deny a discharge upgrade 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 has presented evidence sufficient to demonstrate an injustice regarding part, but not all, of her request. While the Board finds no error in the original discharge process, the Board recommends partial relief based on fundamental fairness. In particular, the Board notes there is no Article 15 in the available record, and the applicant received an honorable discharge. Therefore, given the length of time since the applicant's discharge and the applicant's overall characterization of service, the Board recommends correcting the applicant's RE Code to 3K. 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. The applicant submitted a voluntary separation request due to her pregnancy which was approved by the base discharge authority. Therefore, the Board finds the SPD code "KDF" for pregnancy is correct as indicated on the DD Form 214.
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 she was issued a Reenlistment Eligibility (RE) code of 3K--(Reserved for use by HQ AFPC or the AFBCMR when no other RE code applies or is appropriate) with her 13 Jun 07 separation.

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 DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-01083 in Executive Session on 15 Jan 25.

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, w/atchs, dated 18 Mar 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFRBA Psychological Advisor, dated 3 Oct 24.
- Exhibit D: Advisory, AFPC/DPMSSM, dated 24 Oct 04.
- Exhibit E: Letter, SAF/MRBC (Liberal Consideration), dated 25 Oct 24.
- Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 25 Oct 24.
- Exhibit G: Advisory, AFPC/DPMSSR, dated 26 Nov 24.
- Exhibit H: Notification of Advisory, SAF/MRBC to Applicant, dated 26 Nov 24.

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.

1/22/2025

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Board Operations Manager, AFBCMR
Signed by: USAF