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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01407

Work-Product

COUNSEL: Work-Product

(AKA) Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Her reenlistment (RE) code be upgraded.

APPLICANT'S CONTENTIONS

She would like to enlist in the Air Force Reserve (AFR).

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 19 Jun 02, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, chapter 5, section 5B, for involuntary convenience of the government, paragraph 5.11, conditions that interfere with military service, specifically, paragraph 5.11.9, under mental disorders. The specific reason for the action was she was diagnosed as having a mental disorder as contained in the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV). It was determined this condition interfered with duty performance and conduct and was severe enough, her ability to function in the military was significantly impaired.

On 19 Jun 02, the Staff Judge Advocate found the discharge action legally sufficient.

On 20 Jun 02, the discharge authority directed the applicant be discharged with an Entry Level Separation (ELS) and an uncharacterized service characterization.

On 26 Jun 02, the DD Form 214, *Certificate of Release or Discharge from Active Duty*, indicates the applicant received an "Uncharacterized" ELS. Her narrative reason for separation is "Personality Disorder" with a RE code of "2C" which denotes "involuntarily separated with an

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honorable discharge; or entry level separation without characterization of service.” She was credited with six months, and one day of total active service.

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

APPLICABLE AUTHORITY/GUIDANCE

Per Air Force Instruction (AFI) 36-2606, *Reenlistment and Extension of Enlistment in the United States Air Force*, paragraph 5.12, RE codes determine whether or not airmen may reenlist, or enlist in a military service at a later time. They are annotated on military discharge documents and documents the airman’s RE code at the time of discharge.

Per Department of the Air Force Manual (DAFMAN) 36-2032, *Military Recruiting and Accession*, paragraph 3.4.1, for enlistment waiver authority, the Air Education and Training Command Surgeon General (AETC/SG) (or appropriate RegAF major command SG), Air National Guard (ANG) Command Surgeon (National Guard Bureau (NGB) SG), or Air Force Reserve Command (AFRC) Command Surgeon (AFRC/SG), as appropriate, is the authority to waive physical standards for enlistment in accordance with AFI 48-123, *Medical Examinations and Standards*. Per paragraph 3.7.1.1, the applicant’s ability to enlist is determined by reviewing prior service reenlistment eligibility code and other factors. Individual components will do a service eligibility determination to determine applicant’s eligibility. Per paragraph 3.7.2, a waiver is a formal request to consider the suitability for service of an applicant who because of inappropriate conduct or morals violations, dependency status, current or past medical conditions may not be qualified to serve. Upon the completion of a thorough examination using a “whole person” review, the applicant may be granted a waiver if the applicant has displayed sufficient mitigating circumstances which clearly justify waiver consideration. For medical conditions, this may require a new physical examination with appropriate medical evaluation to determine medical qualification to enter the Air Force per Department of Defense Instruction (DoDI) 6130.03, *Medical Standards for Appointment, Enlistment, or Induction in the Military Services*, and AFI 48-123.

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 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 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 17 Sept 24, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit D).

AIR FORCE EVALUATION

The AFRBA Psychological Advisor finds insufficient evidence to support the applicant's request to upgrade her RE code based on her mental health condition. Although there is no error or injustice with her discharge, "Personality Disorder" is currently listed as her narrative reason for separation on her DD Form 214. For privacy reasons, the Psychological Advisor recommends the Board change her narrative reason to "Condition Not a Disability" which is an alternative but also the actual reason for her discharge.

The applicant's discharge paperwork is not available for review, but her DD Form 214 did indicate she was discharged from service for having a personality disorder. This is an unsuiting condition for continued military service. Her service treatment records are also not available for review, therefore, the history and rationale for this diagnosis are unknown. Since the vital records of her discharge paperwork and service treatment records are not available, the presumption of regularity is applied and there is no error or injustice with her discharge from service. Her unsuiting personality may have caused her discharge but does not excuse or mitigate her discharge. The applicant did not address the reason for her discharge, her personality disorder diagnosis, and did not provide any records to confirm or dispute this diagnosis. The burden of proof is placed on the applicant to submit the necessary records in order to support her contention and request. Lastly, she was furnished with an uncharacterized character of service under ELS because she served less than 180 days of continuous active military service. This characterization is consistent with past regulations of AFI 36-3208, the regulation she was discharged under, and the present regulation of DAFI 36-3211, *Military Separations*. Due to these regulations, her request to upgrade her RE code is not supported.

LIBERAL CONSIDERATION: Liberal consideration is applied to the applicant's petition due to her designation of "other mental health" on her application to the AFBCMR. 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 the records for review:

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?
The applicant is requesting an upgrade of her RE code because she would like to enlist in the Air Force Reserves. She marked "other mental health" on her application and did not identify what her mental health condition was, how her military service caused her to develop this condition, and did not discuss how her mental health condition may excuse or mitigate her discharge. She also did not submit any records for review and consideration.
2. Did the condition exist or experience occur during military service?
The applicant's service treatment records are not available or submitted by the applicant for review. Her DD Form 214 indicated she was discharged for having an unsuiting personality disorder. There is no information provided by the applicant or in her limited available records about the history and rationale for this diagnosis.
3. Does the condition or experience actually excuse or mitigate the discharge?
The applicant was discharged for having a personality disorder. There is no evidence of an error or injustice identified with this disorder diagnosis. This condition is unsuiting for continued military service and while this condition caused her discharge, this condition does not excuse or mitigate her discharge.
4. Does the condition or experience outweigh the discharge?
Since her mental health condition of a personality disorder does not excuse or mitigate her discharge, her condition also does not outweigh her original discharge. The applicant was

furnished with an uncharacterized character of service under ELS because she served less than 180 days of continuous active military service. This characterization is consistent with past regulations of AFI 36-3208 and the present regulation of DAFI 36-3211 for military separations. Thus, her request to upgrade her RE code is not supported.

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 17 Sep 24 for comment (Exhibit E) but has received no response.

ADDITIONAL AIR FORCE EVALUATION

The original mental health advisory dated 13 Sep 24 was completed using records and information available at the time. A new set of the applicant's military records was discovered recently and was received several months after the original advisory was completed. This supplementary advisory will include and discuss the new records for the Board's consideration of the applicant's request. The Board should review this supplementary advisory in addition to the original advisory as most information provided in the original advisory is still relevant to the applicant's case file and request and not conducive to being reiterated in this advisory.

The Psychological Advisor has reviewed the newly discovered records and continues to find insufficient evidence to support her request to change her RE code. The new records confirmed she was diagnosed and discharged from service for having an unsuiting personality disorder identified as schizotypal personality disorder. The new records reported she was assessed to have traits of schizotypal personality disorder such as admitting to talking to herself, hearing voices in her head telling her what to do, denying she sleepwalked but was observed sleepwalking by her bunkmate, and psychological testing revealed a pattern or symptoms consistent with a psychotic disorder. There was not enough information to diagnose her with a confirmed mental disorder diagnosis at Behavioral Analysis Services (BAS), so her provider referred her to the inpatient unit at Wilford Hall Medical Center (WHMC) for a more thorough mental health evaluation. Although records from her inpatient stay were not available for review, her notification memorandum from her commander dated 19 Jun 02 identified she was diagnosed with occupational problem on axis I and schizotypal personality disorder on axis II by her providers at WHMC, indicating she was given a confirmed diagnosis of a personality disorder from her inpatient stay. Her mental health condition, specifically schizotypal personality disorder, was determined to be unsuiting for continued military service because this condition interfered with her duty performance and conduct and severely impacted her ability to function in the military environment. Despite her inpatient records being unavailable, there is no evidence she was misdiagnosed as she did display schizotypal traits, and psychological testing supports psychotic symptoms during service. The applicant did not submit any records to convincingly dispute her personality disorder diagnosis as well. Therefore, and from the newly available records, there is no error or injustice identified with the applicant's reason for discharge for having an unsuiting mental health condition of a

personality disorder. Her RE code of 2C was consistent with the reason for her discharge so there is also no error or injustice with her RE code and her RE code should not be changed.

LIBERAL CONSIDERATION: Liberal consideration was applied to the applicant's request in the original advisory. The following are answers to the four questions from the Kurta Memorandum which were slightly revised based on the available records to include the newly discovered records:

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

The applicant is requesting an upgrade of her RE code because she would like to enlist in the Air Force Reserve. She marked "other mental health" on her application to the AFBCMR and did not identify her mental health condition, how her military service caused her to develop a mental health condition, and she did not discuss how her mental health condition may excuse or mitigate her discharge. She also did not submit any records for review and consideration.

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

The applicant was evaluated at least twice at BAS by referral from her leadership. She reported during these evaluations she would talk to herself, hear voices in her head telling her what to do, denied sleepwalking but was observed sleepwalking by her bunkmate, and psychological testing revealed a pattern or symptoms consistent with a psychotic disorder. She was not given any mental disorders from her provider at BAS, but a diagnosis was deferred due to not enough information available to confirm a diagnosis. She was referred to the inpatient unit at WHMC by BAS for a more thorough assessment and her inpatient records were unavailable. The notification memorandum from her commander reported she was diagnosed with occupational problem on axis I and schizotypal personality disorder on axis II by her providers at WHMC.

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

The applicant was discharged for having an unsuited personality disorder identified as schizotypal personality disorder and furnished with a RE code of 2C. This RE code is consistent with her narrative reason for separation. There is no evidence of an error or injustice identified with her personality disorder diagnosis or RE code. Her personality disorder is unsuitable for continued military service and while this condition caused her discharge, this condition does not excuse or mitigate her discharge.

4. Does the condition or experience outweigh the discharge?

Since her mental health condition of a personality disorder does not excuse or mitigate her discharge, her condition also does not outweigh her original discharge and RE code.

The complete advisory opinion is at Exhibit F.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 6 Jan 25 for comment (Exhibit G) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed but the untimeliness is waived because it is in the interest of justice to do so. Therefore, the Board declines to assert the three-year limitation period established by 10 U.S.C. Section 1552(b).
2. The applicant exhausted all other available administrative remedies before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is the victim of 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. In particular, her DD Form 214 lists the narrative reason for separation as “Personality Disorder”. For privacy reasons, the narrative reason of “Condition Not a Disability” is more appropriate and is the actual reason for her discharge. 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 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 applied liberal consideration to the evidence submitted by the applicant; however, it is not sufficient to grant the applicant’s request. Her personality disorder is unsuitable for continued military service and while this condition caused her discharge, this condition does not excuse or mitigate her discharge. The reentry code furnished with her ELS is consistent with the character of discharge and a change is not supported. 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 26 Jun 02, she was discharged with a separation code and corresponding narrative reason for separation of JFV (Condition, Not a Disability).

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-2024-01407 in Executive Session on 22 Aug 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, dated 16 Apr 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFRBA Psychological Advisor, dated 13 Sep 24.
- Exhibit D: Letter, SAF/MRBC, w/atchs (Liberal Consideration), dated 17 Sep 24.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 17 Sep 24.
- Exhibit F: Supplementary Advisory, AFRBA Psychological Advisor, dated 3 Jan 25.
- Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 6 Jan 25.

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.

9/30/2025

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Board Operations Manager, AFBCMR
Signed by: USAF