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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02060

[REDACTED]

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. His general (under honorable conditions) discharge be upgraded to honorable.
2. His narrative reason for separation be changed to "Medical Condition" or "Hardship due to Medical Reasons."

APPLICANT'S CONTENTIONS

His military history seemed like misconduct but was actually a medical issue as confirmed by his doctor. A large sinus tumor obstructed his airway at night which led to a decrease in oxygen saturation and senses impairment resulting in his frequent tardiness. His unit already deemed him irresponsible and discharged him a month after the surgery for his medical condition without giving him the opportunity to correct his behavior or earn an honorable discharge.

In support of his request for a discharge upgrade, the applicant provides copies of military kudos and enlisted performance reports, several post service training/certification certificates, his medical records, and other documents related to his request for upgrade.

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 Nov 95, AF Form 418, *Selective Reenlistment Program Consideration*, indicates the applicant was not recommended for reenlistment under the Selective Reenlistment Program (SRP) due to not meeting and maintaining Air Force standards citing his repeated tardiness and other offenses.

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Controlled by: SAF/MRB
CUI Categories: [REDACTED]
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil



On 22 Nov 95, the applicant submitted an appeal to this decision stating he had not done anything to justify the decision. He made noticeable contributions to his organization, citing his involvement with the community, his additional duties, and the awards he received. He further goes on to explain his tardiness issue was beyond his control due to a medical issue. After the medical issue was resolved, he had no problems sleeping or waking up. He goes on to explain the other infractions against him and takes responsibility for his actions.

On 22 Nov 95, 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 5.49 for minor disciplinary infractions. His commander recommended he be given an honorable service characterization. The specific reasons for the action were:

- a. On 2 Oct 94, AF Form 174, *Record of Individual Counseling*, indicates the applicant was counseled for failing to show for mandatory physical fitness training.
- b. On 21 Dec 94, AF Form 174 indicates the applicant was counseled for being late for mandatory physical fitness training and for failing to show for fitness training on a separate occasion.
- c. On 22 Dec 94, AF Form 174 indicates the applicant was counseled for reporting to work late.
- d. On 19 Jan 95, AF Form 174 indicates the applicant was counseled for a wrinkled uniform.
- e. On 15 Feb 95, a Letter of Reprimand (LOR) was issued for failing to show for morning exercise on 15 Feb 95 of which the applicant was counseled previously for failing to show and being late for mandatory physical fitness training and work.
- f. On 27 Feb 95, a LOR was issued for reporting to duty over an hour later. The LOR also indicated the applicant was previously counseled for this behavior.
- g. On 14 Jul 95, AF Form 174 indicates the applicant was counseled for failing to show.
- h. On 30 Aug 95, AF Form 174 indicates the applicant was counseled for failing a random room inspection indicating he was previously counseled for this behavior.
- i. On 6 Sep 95, a LOR was issued for a dress and appearance violation, being unshaven.
- j. On 26 Sep 95, the applicant was issued a referral Enlisted Performance Report (EPR) for failing to meet minimum standards, below-standard appearance, chronic tardiness, and failed room inspections, with promotion not being recommended. It was noted he did improve within the last three months. On 10 Oct 95, the applicant responded to the referral EPR stating the performance feedback sessions did not demonstrate he had a strong

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deficiency in duty performance, his LOCs for failed room inspection and sub-standard uniform were isolated incidents, and his tardiness to work was proven to be caused by his medical sleep disorder. He goes on to outline his achievements on and off duty.

k. On 3 Nov 95, a LOR was issued for reckless driving, exceeding the posted speed limit (20 miles per hour) in excess of 24 miles per hour.

On 29 Nov 95, the applicant submitted a response to the discharge recommendation stating he would like to remain in the Air Force but wanted to transfer to another installation due to the relations in his shop. If the discharge was approved, he asked to be allowed to complete three years of service to qualify for the GI Bill. He goes on to outline the contributions he made to his organization to include his community involvement and his additional duties and further explains his tardiness due to his medical issues.

On 8 Dec 95, the Staff Judge Advocate (SJA) found the discharge action legally sufficient and recommended the applicant be given a general service characterization. The SJA noted the applicant's commander recommended he be given an honorable service characterization due to his community service and medical problems; however, the SJA found, based on the applicant's EPRs and conduct, his service was not so meritorious that any characterization, other than honorable, was appropriate, finding his significant negative aspects of conduct outweighed the positive aspects of his record.

On 15 Dec 95, the discharge authority directed the applicant be discharged with a general service characterization without probation and rehabilitation.

On 19 Dec 95, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct" and he was credited with 2 years, 10 months, and 29 days of total active service.

On 29 Dec 95, the assistant SJA conducted legal review of the applicant's appeal for non-selection in the SRP and found substantial evidence to support the non-selection decision recommending a denial of the appeal.

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

POST-SERVICE INFORMATION

On 30 May 25, the Board sent the applicant a standard request for post-service information; however, he did not reply. This letter informed the applicant that a Federal Bureau of Investigation (FBI) background check would assist the Board in evaluating his case. Although the applicant did provide post-service information with his original application, he did not include an FBI background check or other criminal history data.



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.

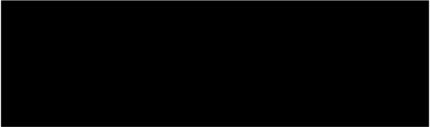
On 25 Aug 17, the Under Secretary of Defense for Personnel and Readiness (USD P&R) issued clarifying guidance to Discharge Review Boards and Boards for Correction of Military/Naval Records considering requests by veterans for modification of their discharges due in whole or in part to mental health conditions [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 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 4 Apr 24, the Under Secretary of Defense for Personnel and Readiness issued a memorandum, known as the Vazirani Memo, to military corrections boards considering cases involving both liberal consideration discharge relief requests and fitness determinations. This memorandum provides clarifying guidance regarding the application of liberal consideration in petitions requesting the correction of a military or naval record to establish eligibility for medical retirement or separation benefits pursuant to 10 U.S.C. Section 1552. It is DoD policy the application of liberal consideration does not apply to fitness determinations; this is an entirely separate Military Department determination regarding whether, prior to "severance from military service," the applicant was medically fit for military service (i.e., fitness determination). While the military corrections boards are expected to apply liberal consideration to discharge relief requests seeking a change to the narrative reason for discharge where the applicant alleges combat- or military sexual trauma (MST)-related PTSD or TBI potentially contributed to the circumstances resulting in severance from military service, they should not apply liberal consideration to retroactively assess the applicant's medical fitness for continued service prior to discharge in order to determine how the narrative reason should be revised.

Accordingly, in the case of an applicant described in 10 U.S.C. Section 1552(h)(1) who seeks a correction to their records to reflect eligibility for a medical retirement or separation, the military corrections boards will bifurcate its review.


First, the military corrections boards will apply liberal consideration to the eligible Applicant's assertion that combat- or MST-related PTSD or TBI potentially contributed to the circumstances resulting in their discharge or dismissal to determine whether any discharge relief, such as an upgrade or change to the narrative reason for discharge, is appropriate.


After making that determination, the military corrections boards will then separately assess the individual's claim of medical unfitness for continued service due to that PTSD or TBI condition as a discreet issue, without applying liberal consideration to the unfitness claim or carryover of any of the findings made when applying liberal consideration.

On 30 May 25, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit C).

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 AFBCMR Medical Advisor recommends denying the applicant's request for a medical separation. This advisory is limited to the applicant's medical condition. The applicant is requesting an honorable discharge for his physical condition of nasopharyngeal benign mass, which he blames on his misconduct. The only pertinent medical issue in this case concerns the question of whether the applicant's sinus tumor caused his waking up late and thus his tardiness misconduct. It, however, cannot be used to argue for reckless driving, a dress and appearance violation, or a no show at mandatory fitness. Administrative separations are based on several factors and processes that include the medical evaluation board process, dual action if the medical condition can explain the misconduct. There is no indication the applicant was not afforded due process. The applicant had a lot of misconduct; there was no diagnosis of sleep apnea, and the sleep problems had improved using behavioral changes per the applicant's own description as of 15 May 95. He was already referred to otolaryngologist (Ear, Nose, and Throat (ENT)) and thus the follow-through with the sleep study and removal of the benign mass to improve his pansinusitis symptoms.

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 11 Jun 25 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 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. Section 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 finds 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. The Board notes his commander recommended he be discharged with an honorable service characterization but did not find the positive aspects of his career outweighed his misconduct justifying an honorable characterization.

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Furthermore, the Board concurs with the rationale and recommendation of the AFBCMR Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions fully. The Board agrees his medical condition may have contributed to some of his tardiness; however, it did not excuse the remainder of his behavior. Nonetheless, the Board applied liberal consideration to the applicant's petition; however, finds his medical condition does not excuse, mitigate, or outweigh his misconduct to which he was discharged. In the interest of justice, the Board considered upgrading the discharge based on fundamental fairness; however, given the evidence presented, and in the absence of a criminal history report, the Board finds no basis to do so. The Board notes the post-service evidence submitted, his professional certifications indicating he has apparently made a successful post-service transition; however, does not find the documentation sufficient to conclude they should upgrade the applicant's discharge at this time. The applicant retains the right to request reconsideration of this decision, which could be in the form of a personal statement, character statements, or testimonials from community leaders/members specifically describing how his efforts in the community have impacted others post-service. Should the applicant provide further documentation pertaining to his post-service accomplishments and activities, this Board would be willing to review the materials for possible reconsideration of his request based on fundamental fairness. Lastly, the Board considered the applicant's request to have his narrative reason changed to indicate a medical condition or reason for discharge due to medical; however, the applicant does not qualify for a medical separation because he does not meet the standards for DES processing under Title 10, U.S.C. The military's DES, established to maintain a fit and vital fighting force, can 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. The mere existence of a medical diagnosis does not automatically determine unfitness and eligibility for a medical separation or retirement. The applicant's military duties were not degraded due to his medical condition. Additionally, separation program designator (SPD) codes and their clear texts are developed by the Undersecretary of Defense for Personnel and Readiness (OUSD P&R) for DoD-wide use and the narrative reasons as proposed by the applicant are not authorized. Therefore, the Board recommends against correcting the applicant's records.

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-2024-02060 in Executive Session on 24 Jul 25:

[REDACTED] Panel Chair
[REDACTED], Panel Member

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[REDACTED]

[REDACTED], Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 6 Jun 24.

Exhibit B: Documentary Evidence, including relevant excerpts from official records.

Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Liberal Consideration Guidance), dated 30 May 25.

Exhibit D: Advisory Opinion, AFBCMR Medical Advisor, dated 6 Jun 25.

Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 11 Jun 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.

10/1/2025

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Board Operations Manager, AFBCMR
Signed by: USAF

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