



[REDACTED]

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02908

[REDACTED]

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He was overweight when he graduated from basic training and when he attended technical school. He was never told he was on the weight program in technical school and did not find out until a few months after arriving at his first duty station. Due to this, his supervisor wanted to know why he was able to leave technical school and wanted to know why no one was informed. His supervisor told him due to his lack of integrity and his unfitness; she would find a way to have him discharged. He was harassed by his supervisor, calling him fat and berating him for not being at the gym. This caused a lot of emotional and mental issues.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman (E-2).

On 10 Jul 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*, paragraph 5.49 and 5.65 for minor disciplinary infractions and failure to progress in the Weight and Body Fat Management Program (WBFMP). The specific reasons for the action were:

- a. On 13 Jul 01, a Letter of Reprimand (LOR) was issued for failure to go and being absent from his place of duty on or about 11 Jul 01.
- b. On 26 Sep 01, a Letter of Counseling (LOC) was issued for failure to maintain valid contact information to which he was verbally counseled on several occasions.
- c. On 19 Dec 01, a LOC was issued for failure to properly prepare for his Career Development Course (CDC) test or making successful progress.

AFBCMR Docket Number BC-2024-02908

[REDACTED]

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

[REDACTED]

d. On 4 Jan 02, a LOR was issued for his second failure in the WBFMP on or about 19 Dec 01.

e. On 4 Mar 02, the applicant was demoted to airman (E-2) for his third failure in the WBFMP.

f. On 16 May 02, a LOC was issued for failure to pay his Military Star Account, being 90 days past due.

g. On 22 May 02, a LOR was issued for not properly providing insurance for his private vehicle while he continued use of said vehicle.

h. Dated 2 Jul 02, AF Form 1058, *Unfavorable Information File Action*, indicates the applicant was issued a LOR on 1 Jul 02 for uttering five checks with insufficient funds on or about sometime in Jun 02.

On 16 Jul 02, the Staff Judge Advocate found the discharge action legally sufficient.

On 19 Jul 02, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct" and he was credited with 2 years, 1 month, and 18 days of total active service.

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

POST-SERVICE INFORMATION

On 9 Sep 25, the Board sent the applicant a request for post-service information, including a standard criminal history report from the Federal Bureau of Investigation (FBI); however, he has not replied.

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 (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.

[REDACTED]

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 9 Sep 25, 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.

[REDACTED]

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 a discharge upgrade. There is no error or injustice identified with the applicant's discharge from a mental health perspective. The applicant's service treatment records are not available or submitted by the applicant for review. Since these records are unavailable, there are no records indicating he received any mental health evaluation, treatment, or a mental disorder diagnosis during service. The existing available military records find no report he had any complaints of mental health issues or conditions, including PTSD, during service. The applicant was not diagnosed with PTSD until Nov 24, which was 22 years after his discharge from the Air Force, by his mental health provider at the Department of Veterans Affairs (DVA). The traumatic and stressful experiences that led him to be diagnosed with PTSD were his prior service emotional and physical abuse from his stepfather, witnessing the 9/11 attacks and being harassed or berated by a supervisor during service. From these experiences, he reported feeling uncomfortable around certain people, engaging in avoidance behaviors, having flashbacks and nightmares, being hypervigilant, having anger issues, and dissociation. There is no evidence from his military records he had or experienced any of these symptoms during service. His DVA treatment records indicated his anxiety, depression, and PTSD symptoms began or worsened after his military service.

The applicant contends he was overweight and was placed on the weight loss program, which is substantiated by his military records because he was discharged for failing to progress in the WBFMP. He also contends he was harassed and berated by his supervisor, causing him to have emotional and mental issues, but no records to support this contention, although it is possible. The applicant was not discharged solely for failing to progress in the WBFMP but also for engaging in numerous misconducts. The applicant did not address any of these acts of misconduct that caused his discharge. Nevertheless, there is no evidence or records his mental health condition, including PTSD, had caused any of his misconduct. There is also no evidence that he was in emotional distress or had a mental health condition impairing his judgment or was contributing factor to his decision to engage in any of his misconduct, resulting in his discharge from service. The applicant's poor job performance was a significant factor in his commander's decision to discharge him from service and no evidence of his mental health condition caused his poor job performance. Some of his misconduct was intentional and willful, such as being financially irresponsible, being dishonest to a non-commissioned officer, and absenting himself from his place of duty without authority. The applicant's contention is considered as evidence per liberal consideration; however, the evidence presented in his military records is far more compelling. Therefore, the Psychological Advisor finds no error or injustice with the applicant's discharge from a mental health perspective.

Liberal consideration is applied to the applicant's petition due to his contention of having a mental health condition. It is reminded, liberal consideration does not mandate an upgrade or a change to the records per policy guidance. The following are responses to the four questions from the Kurta Memorandum based on information presented from the available records:

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

[REDACTED]

The applicant marked “PTSD” and “OTHER MENTAL HEALTH” on his application and contended he was overweight and often would pass the taping for body mass index (BMI). However, his supervisor would arrive at his home, at random times harassing and berating him for not living at the gym. These incidents caused him a lot of emotional and mental issues, and he did not have a chance to do better.

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

A review of the applicant’s service treatment records is not available or submitted by the applicant for review. Since these records are unavailable, there are no records he received any mental health evaluation, treatment, or a mental disorder diagnosis during service. From the existing available military records, there is no evidence or documentation, the applicant had any mental health issues or conditions, including PTSD, during his military service. The applicant was not diagnosed with PTSD until Nov 24, which was 22 years after his discharge from the Air Force, by his mental health provider at the DVA. The traumatic and stressful experiences that led him to be diagnosed with PTSD were his prior service emotional and physical abuse from his stepfather, witnessing the 9/11 attacks, and being harassed or berated by a supervisor during service. From these experiences, he reported feeling uncomfortable around certain people, engaging in avoidance behaviors, having flashbacks and nightmares, being hypervigilant, having anger issues, and dissociation. There is no evidence from his military records he had or experienced any of these symptoms during service.

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

The applicant was discharged from service for engaging in numerous acts of misconduct. There is no evidence or records his mental health condition, including PTSD, had caused any of his misconduct. There is also no evidence he was in emotional distress or had a mental health condition impairing his judgment or was a contributing factor to his decision to engage in any of his misconduct and/or failing to progress in the WBFMP, resulting in his discharge from service. Some of his misconducts were deliberate and willful and were not caused by having a mental health condition. For these reasons, the applicant’s mental health condition does not excuse or mitigate his discharge.

4. Does the condition or experience outweigh the discharge?

Since the applicant’s mental health condition does not excuse or mitigate her 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 2 Sep 25 for comment (Exhibit D) but received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed.

[REDACTED]

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 the victim of an error or injustice. While the Board finds no error in the original discharge process and notes the AFRBA Psychological Advisor's recommendation to deny based on finding no evidence or documentation, the applicant had any mental health issues or conditions, including PTSD, during his military service as he was not diagnosed with PTSD until Nov 24, 22 years after his discharge; the Board recommends relief. The applicant contends he was harassed by his supervisor, calling him fat and berating him for not being at the gym, which caused a lot of emotional and mental issues. Furthermore, the Board finds he had a history of complaints stemming from anxiety, depression and possibly bi-polar disorder. Therefore, the Board finds his omission coupled with his history of mental health compelling enough to grant his request under liberal consideration.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 19 Jul 02, he was discharged with service characterized as honorable and a separation code and corresponding narrative reason for separation of JFF (Secretarial Authority).

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-2024-02908 in Executive Session on 18 Sep 25 and 10 Oct 25:

- [REDACTED], Panel Chair
- [REDACTED], Panel Member
- [REDACTED], Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, dated 12 Aug 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFRBA Psychological Advisor, dated 2 Sep 25.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 2 Sep 25.
- Exhibit E: Letter, SAF/MRBC, w/atchs (Post-Service Request and Liberal Consideration Guidance), dated 9 Sep 25.

[REDACTED]

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.

10/30/2025

[Redacted Signature]

Board Operations Manager, AFBCMR

Signed by: [Redacted Name]