



Work-Product

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

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

Work-Product

**DOCKET NUMBER:** BC-2024-03958

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

**APPLICANT’S REQUEST**

- 1. His general (under honorable conditions) discharge be upgraded to honorable.
- 2. He be promoted to the grade of senior airman (E-4).
- 3. He be eligible for the GI Bill.

**APPLICANT’S CONTENTIONS**

His commander told him he would receive an honorable discharge but while he was on leave, the new lieutenant submitted him for a general discharge. He was never treated for his bi-polar or his post-traumatic stress disorder (PTSD) after he returned from his deployment, which would have helped with his disciplinary issues. If he had been treated, he would not have accepted an early exit from the Air Force. He was not mentally in control due to his undiagnosed mental illnesses which caused his minor problems. Since his discharge, he has been treated by the Department of Veterans Affairs (DVA) who has deemed him unable to work and he is considered disabled by the Social Security Administration (SSA). He recently tried to use his GI Bill but was told he was disqualified due to his general discharge. While he was being processed for discharge, his promotion was not recognized.

In support of his request for a discharge upgrade based on liberal consideration, the applicant provides his DVA disability rating and his medical records.

The applicant’s complete submission is at Exhibit A.

**STATEMENT OF FACTS**

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

**AFBCMR Docket Number BC-2024-03958**

Work-Product

Controlled by: SAF/MRB CUI Categories: Work-Product Limited Dissemination Control: N/A POC: <a href="mailto:SAF.MRBC.Workflow@us.af.mil">SAF.MRBC.Workflow@us.af.mil</a>
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On 9 Mar 88, the applicant was evaluated by Mental Health Services and was diagnosed with adjustment disorder with depressed mood, resolved due to difficulties with his girlfriend, car, financial issues, and work. It was recommended he be returned to duty for the finding that he was emotional due to a build-up of stressors and that he should not be punished for becoming emotional.

On 24 Apr 89, he was not recommended for promotion to senior airman (E-4) due to his conduct to which the applicant acknowledged.

On 7 Sep 89, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFR 39-10, *Administrative Separation of Airmen*, paragraph 5-46 for misconduct. The specific reasons for the action were:

- a. On 1 Aug 87, a Letter of Counseling (LOC) was issued for being argumentative when given an order and for being out of uniform on 31 Jul 87.
- b. On 19 Nov 87, a LOC was issued for dereliction of duty on or about 19 Nov 87.
- c. On 2 Jan 88, a LOC was issued for dereliction of duty on or about 18 Dec 87.
- d. On 12 Jan 88, a Letter of Reprimand (LOR) was issued for dereliction of duty on or about 10 Jan 88.
- e. On 29 Feb 88, a LOR was issued for dereliction of duty and failing to report for duty on or about 25 Feb 88.
- f. On 15 Mar 88, a LOR was issued for failing to go on or about 15 Mar 88.
- g. On 25 Mar 88, a LOC was issued for being out of uniform standards, not having the required equipment for duty, and disrespecting a non-commissioned officer (NCO) on or about 20 Mar 88 through 25 Mar 88.
- h. On 22 Jul 88, a LOR was issued for disrespecting a NCO, dereliction of duty, and loitering on post on or about 7 Jun 88, 25 Jun 88, 18 Jul 88, and 21 Jul 88.
- i. On 30 Nov 88, AF Form 3070, *Record of Nonjudicial Punishment Proceedings*, indicates the applicant received nonjudicial punishment (NJP), Article 15 for treating with contempt NCOs and for dereliction of duty on or about 13 and 14 Nov 88. He received a reduction in grade to airman (E-2) suspended until 29 May 89, at which time it would be remitted, unless sooner vacated; forfeiture of \$50.00 in pay for two months, and 30 days of correctional custody.
- j. On 6 Sep 89, a LOR was issued for being disrespectful to an NCO.

Other documents outlining his disciplinary issues which were not included in the discharge recommendation include a memo for record (MFR) from 17 Feb 88 outlining a phone conversation concerning the applicant's behavior while on leave; a letter dated 26 Feb 88 outlining his history of counseling to include several instances of verbal counseling; and a traffic violation for reckless driving on 1 Mar 88.

On 15 Sep 89 the applicant submitted a response asking for an honorable discharge so he could retain his GI Bill benefits. He goes on to provide explanations to the incidents outlined in the discharge recommendation stating most of the information that was being used as a basis for his discharge was incorrect.

On 28 Sep 89, the Assistant Staff Judge Advocate found the discharge action legally sufficient.

On 2 Oct 89, the discharge authority directed the applicant be discharged for misconduct consisting of minor disciplinary infractions, with a general service characterization. Probation and rehabilitation were considered but not offered.

On 4 Oct 89, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct-Pattern of Minor Disciplinary Infractions" and he was credited with 2 years, 10 months, and 17 days of total active service.

On 13 Dec 89, the applicant submitted a request to the Air Force Discharge Review Board (AFDRB) for an upgrade to his discharge stating he was unjustly punished, and it was unfair to lose his GI Bill.

On 26 Apr 90, the AFDRB concluded the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and the applicant was provided full administrative due process.

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

## **POST-SERVICE INFORMATION**

On 22 Aug 25, the Board staff 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 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 22 Aug 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 AFRBA Psychological Advisor completed a review of all available records and finds insufficient evidence to support the applicant's request for an upgrade of his discharge and to reinstate his grade from a mental health perspective. A review of the available records finds the applicant's contentions are not supported by his objective military records. Contrary to the applicant's contention, he was evaluated by a mental health provider on three different dates between Feb 88 and Mar 88 relating to having various personal difficulties with his girlfriend, car, finances and work. These stressors had been building for the past two weeks, and he finally reacted. The psychological report did not define how he finally reacted. He was given a diagnosis of adjustment disorder with depressed mood, signifying he had developed a depressed mood from his situational personal stressors. This condition, however, had resolved. He was reported to have made reasonable progress and was feeling much improved. He was recommended to be returned to duty and was not referred to mental health treatment because he was feeling better and did not need this service. His depressed mood and adjustment issues were in sustained remission because by the time he completed his separation physical examination with his primary care manager (PCM) the following year in Jan 89, he denied having any mental health issues, including sleep disturbances, depressed mood, excessive worry, nervousness or anxiety, and memory or cognitive problems. This information further supports the notion he did not need mental health treatment.

While there are records, the applicant received a psychological evaluation and had a depressed mood during service, there are no records to support that his mental health condition was a contributing factor in his decision to engage in any of his misconduct, leading to his discharge from service. The applicant submitted a statement in response to his discharge action at the time of service, addressing each of his acts of misconduct. He had either denied engaging in the misconduct, reported it was a misunderstanding, or stated someone else made a mistake. He made no reference to having a mental health condition in his statements. None of the explanations he provided established a nexus between his mental health condition and misconduct.

The applicant first met with a mental health provider, a licensed clinical social worker (LCSW), at the DVA on 1 Nov 19, 30 years after his separation from the Air Force. At this time, he reported his depression started when he was discharged from the service. He also reported he experienced depressive symptoms during service in the context of dating an underage girl, and that he was unaware of her true age because she supposedly lied to him about her age. He said he got into trouble because of this issue and was discharged, which caused him to feel depressed. There are no records he was under investigation or was discharged for dating an underage female. He also

reported he was charged for disobeying an order while in Panama because he refused to hook up a sergeant with a female because the sergeant was already married. There are no records to substantiate this report. He was given a diagnosis of major depressive disorder (MDD), recurrent, severe, presumably related to these undocumented events. He was diagnosed with MDD and PTSD by a psychiatrist at the DVA on 19 Dec 19. His condition of PTSD was not developed because of his military service, but from a motor vehicle accident, causing him to sustain significant bodily injuries while he was on duty in his civilian job in 2013. He was diagnosed with bipolar disorder the following year, on 15 Oct 20, by the same psychiatrist after he reported having a history of manic episodes and previously taken Latuda for his condition and symptoms. There is no evidence or records the applicant had a manic episode or bipolar disorder during service. He was diagnosed with and treated for bipolar disorder decades after his military service, so his condition developed after his military service, according to his post-service treatment records.

The applicant contends in his petition he had undiagnosed bipolar disorder and PTSD after he came back from the **Work-Product** Conflict. There are no records to support his contention. There is no evidence from his military records he had undiagnosed bipolar disorder or PTSD during his time in the Air Force or any of these conditions caused any of his misconduct leading to his discharge from service. He developed these conditions after his discharge from service, caused by his post-service experiences. Again, he experienced a depressed mood during service caused by his relationship, car, financial, and work problems, but it was not caused by a traumatic event in Panama. It is acknowledged the applicant has been service-connected by the DVA for an unspecified condition. However, receiving service connection does not indicate causation or mitigation of the misconduct and discharge, but merely suggests the condition or experience was somehow related to his military service and not necessarily the cause of his discharge. An exhaustive review of the available records finds no evidence from the applicant's military records his mental health condition caused or had a direct impact on his misconduct and subsequent discharge. The Psychological Advisor finds the applicant's military and service treatment records more compelling than his contention and submitted record, especially since there are notable inconsistencies with his reporting that were not supported by his military records. Thus, there is no error or injustice identified 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?

The applicant contended he was never treated for bipolar disorder and PTSD after coming back from the **Work-Product** Conflict before his discharge and it could have been helped with his minor disciplinary actions. He was not mentally in control due to his undiagnosed mental illnesses, causing his minor problems.

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

A review of the applicant's service treatment records finds no records his mental health condition

of bipolar disorder or PTSD had existed or occurred during his military service. There are records confirming the applicant was seen on 26 Feb 88, 29 Feb 88, and 2 Mar 88 for a psychological evaluation. During this evaluation, he endorsed having multiple stressors with his girlfriend, car, finances, and work, and he finally reacted. He was noted to have made reasonable progress with his stressors and was feeling much improved. He was diagnosed with adjustment disorder with depressed mood that was assessed to have been resolved. He was recommended to be returned to duty, and no mention was made of any needed mental health treatment. He completed a separation physical examination with his PCM the following year on 19 Jan 89, and he denied having any mental health issues, including sleep disturbances, depressed mood, excessive worry, nervousness or anxiety, and memory or cognitive problems. There is no evidence from his service treatment or military records he had a manic episode, bipolar disorder, or PTSD during service. He was diagnosed with and treated for bipolar disorder and PTSD by the DVA decades after this discharge. His DVA treatment records indicated these conditions developed and began years after his discharge. He developed PTSD from a post-service motor vehicle accident, and it was not related to his military 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, including being disrespectful to numerous individuals, dereliction of duty, and failing to go or report on numerous occasions. There are no records to support that his mental health condition, including bipolar disorder or PTSD, caused his numerous acts of misconduct resulting in his discharge. His mental health condition did not have a direct impact or contribute to his decision to engage in his numerous acts of misconduct. There is no indication or records that his misconduct was caused by having bipolar disorder or PTSD. 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 his discharge, his condition or experience also does not outweigh his original discharge.

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 3 Sep 25 for comment (Exhibit E) but 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 concurs with the rationale of the AFRBA Psychological Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board finds no evidence the applicant was diagnosed with a mental health disorder, to include PTSD or bi-polar disorder resulting from his deployment or during his military service. He was diagnosed with adjustment disorder with depressed mood due to his various personal difficulties with his girlfriend, car, finances, and work. This condition was found to have been resolved. Additionally, in his response to the discharge recommendation and the DRB, he did not disclose that a mental health issue impacted or caused his behavior stating most of the information being used as a basis for his discharge was incorrect and he was unjustly punished. Nonetheless, liberal consideration was applied to the applicant's request due to the contention of a mental health condition; however, since there is no evidence his mental health condition had a direct impact or nexus on his behaviors and misconduct resulting with his discharge, his condition or experience does not excuse, mitigate, or outweigh his discharge. The Board noted his disability rating and medical records submitted from the DVA; however, these records indicate he was not treated for his current mental health condition until 30 years after his discharge. 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 post-service information and a criminal history report, the Board finds no basis to do so. Lastly, the Board finds no reason to grant the applicant's request for a promotion to senior airman. He was properly notified he was not recommended for promotion to the grade of E-4. The applicant's request for reinstatement of his GI Bill should be addressed with the DVA. The applicant retains the right to request reconsideration of this decision. The applicant may provide post-service evidence depicting his current moral character, occupational, and social advances, in the consideration for an upgrade of discharge characterization due to clemency based on fundamental fairness. 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**

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**

*Work-Product*

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-2024-03958 in Executive Session on 11 Sep 25 and 4 Oct 25:

*Work-Product* Panel Chair  
*Work-Product* Panel Member  
*Work-Product* Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 6 Nov 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 22 Aug 25.
- Exhibit D: Advisory Opinion, AFRBA Psychological Advisor, dated 25 Aug 25.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 3 Sep 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.

11/13/2025

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Board Operations Manager, AFBCMR  
Signed by: USAF

**AFBCMR Docket Number BC-2024-03958**

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