|  |  |
| --- | --- |
| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2020-00370 |
| The applicant was discharged on 2 Oct 2006 with a Bad Conduct Discharge after being convicted at a Special Court-Martial of several charges and specifications of failure to go, dereliction of duty, and larceny. The applicant appealed for an upgrade of her discharge characterization to Honorable, a change to the discharge narrative reason, and a change to the separation code. The board was conducted on  18 Jun 2020.  The applicant was offered a personal appearance before the Discharge Review Board (DRB), but declined and requested the board be completed based on a records only review. The applicant was not represented by counsel.  Pursuant to 10 USC §1553, the board included a member who is a psychiatrist/ psychologist with training on mental health issues connected with post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI), and training on mental health disorders.    The attached examiner’s brief (provided to applicant only), extracted from available service records, contains pertinent data regarding the circumstances and character of the applicant’s military service.    FINDING: The DRB voted unanimously to *deny* the applicant’s request to upgrade her discharge characterization to Honorable, to change the discharge narrative reason, and to change the separation code.  DISCUSSION: The DRB, under its responsibility to examine the propriety and equity of an applicant’s discharge, is authorized to change the characterization of service and the narrative reason for discharge if such changes are warranted. If applicable, the board can also change the applicant’s reenlistment eligibility code. In reviewing discharges, the board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to rebut the presumption, to include evidence submitted by the applicant. The board completed a thorough review of the circumstances that led to the discharge and the discharge process to determine if the discharge met the pertinent standards of equity and propriety.  The applicant contended the discharge was inequitable because she claims her unit invaded her private life to take action on her based on her sexual preference. She contends her discharge was unjust and she requests an upgrade so she may receive help from the VA for PTSD. A review of the military record indicated the applicant was tried at a special court-martial on numerous charges and specifications. Charges included; failure to report to duty, dereliction of duty, false official statements, larceny, receiving stolen property, and breaking restriction. She pled guilty to all charges and specifications and was found guilty of all of them.  A thorough review of the medical record revealed no records that the applicant received any mental health treatment in service, nor did she submit any records to corroborate her contention that she has been diagnosed with PTSD. Therefore, the DRB determined there is insufficient evidence a mental health condition mitigated her misconduct leading to her discharge from service.  Upon review of an applicant’s Bad Conduct Discharge as adjudged by a Special Court-Martial, the DRB may change the punitive discharge to an administrative discharge for the purposes of clemency, if warranted. The DRB reviewed the applicant’s entire service record and found insufficient evidence to grant the applicant’s request. The board found the negative aspects of the applicant’s willful misconduct outweighed the positive aspects of her military service. The characterization of the discharge received by the applicant was deemed to be appropriate.    CONCLUSION: The board found insufficient evidence of an inequity or impropriety that would warrant a change to the applicant’s discharge. Therefore, the discharge received by the applicant was deemed to be appropriate and her request was not approved.  The DRB results were approved by the board president on 24 Jun 2020. If desired, the applicant can request a list of the board members and their votes by writing to:  Air Force Review Boards Agency  Attn: Discharge Review Board  3351 Celmers Lane  Joint Base Andrews, NAF Washington, MD 20762-6602  Attachment: Examiner's Brief (Applicant Only) | |