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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER Fd-2020-00466 |
| The applicant was discharged on 18 Oct 2015 with a Bad Conduct Discharge after being convicted of assault and communicating a threat offenses at a Special Court-Martial. The applicant appealed for an upgrade of his discharge characterization. The board was conducted on 27 Aug 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 2 to 1 to *deny* the applicant’s request to upgrade his discharge characterization.  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.  Due to evidence of a mental health condition found in the applicant’s medical record, the board considered the case based on the liberal consideration standards required by guidance from the Office of the Under Secretary of Defense for Personnel and Readiness and/or 10 USC §1553.  The applicant contended the discharge was inequitable because his mental health condition was misdiagnosed and he received medication that directly caused the actions he was charged with. He claims he was diagnosed with an adjustment disorder while in the service which has now been properly diagnosed as bipolar disorder. He further claims the medication he was prescribed while in the service caused an allergic reaction and hypomania episode that caused him to assault his then wife. He further contends this was a one-time incident and he deserves an upgrade based on his otherwise outstanding military 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.  After a thorough review of the service record and input from the board’s psychiatrist/psychologist, the DRB found that the applicant’s mental health condition was a mitigating factor to the applicant's misconduct, however, it could not completely explain or excuse the egregious nature of the misconduct sufficiently to warrant upgrading the discharge. The board found the negative aspects of the applicant’s willful misconduct outweighed the positive aspects of his 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 his request was not approved.  The DRB results were approved by the board president on 1 Sep 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) | |