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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2020-00581 |
| The applicant was discharged on 4 Oct 2018 in accordance with AFI 36-3208 with a General discharge for a Pattern of Misconduct. The applicant appealed for an upgrade of his discharge characterization to Honorable. The board was conducted on 10 Sep 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 his discharge characterization to Honorable.  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’s record of service included one Article 15, one vacation of suspended nonjudicial punishment, and multiple Letters of Reprimand. His misconduct included: failure to obey orders, wrongful use of his government travel card, and indecent language and gestures.  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 contends his discharge was inequitable and was administered for a few isolated incidents of misconduct in the final year of his last enlistment after 10 years of otherwise good service. He takes full responsibility for the administrative actions taken against him and claims he has since changed his life. He requests an upgrade so he can serve his country again.  The DRB took note of the applicant's duty performance as documented by his performance reports, awards and decorations, and other accomplishments. It found the seriousness of the applicant’s willful misconduct offset the positive aspects of his service. Additionally, after a thorough review of the service record and input from the board’s psychiatrist/ psychologist, the DRB found that some of the applicant’s mental health condition was a mitigating factor to the applicant's misconduct, however, it could not completely explain or excuse the misconduct sufficiently to warrant upgrading the discharge. Furthermore, under DoDI 6130.03, Medical Standards for Appointment, Enlistment, or Induction in the Military Services, under Learning, Psychiatric, and Behavioral Condition, the applicant’s reported history of mental health conditions or disorders prior to and during service are considered disqualifying conditions for induction into military service. Therefore, due to current regulations, the applicant would be ineligible to reenlist due to his history of mental health treatment.  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 16 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) | |