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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2020-00610 |
| The applicant was discharged on 24 Jun 2013 in accordance with AFI 36-3208 with a General discharge for Misconduct (Minor Infractions). The applicant appealed for an upgrade of his discharge characterization to Honorable, a change to the discharge narrative reason, and a change to the reenlistment eligibility code. The board was conducted on 08 Oct 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.    The DRB voted unanimously to *deny* the applicant’s request to upgrade his discharge characterization to Honorable, to change the discharge narrative reason to Secretarial Authority, and to change the reenlistment eligibility code to 2C.  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 several Letters of Reprimand, Admonishment and Counseling. His misconduct included: Failing dormitory inspections: Failed to make satisfactory progress in fitness; Failed fitness assessment; negligently failed to stay awake while working; Failed to obey a lawful order given by an NCO; Failed to maintain a lawful general regulation; failed to show up on time to mandatory physical training; received a traffic ticket for failure to display a valid registration.  Due to evidence of mental health conditions 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. He states that he was subject to harassment and unequal treatment from his command, most of supervisors and many of his peers. He believes that the progression of his disciplinary actions were conducted to negatively set him apart from his peers publicly. He also notes that while he had received numerous infractions, his leadership still allowed him to promote, instead of delaying this, which he believes was their way to avoid having to explain his unfair and unequal treatment towards him. The applicant also contends that the excessive harassment he was enduring affected his physical and mental health, which he sought treatment for and voiced his concerns about. He states that while he was seeking assistance for his mental health and medical conditions, his command was looking for more serious issues to add to his file. He also identifies that his the actions against him were inconsistent, such as failing dorm inspections led by his higher leadership but receiving a perfect rating from the wing. He contends that his medical conditions were not taken seriously by his command when he addressed the issue, instead they harassed him for his weight, declined to sign off on the corrective surgery, had him take his fitness test, which they knew he would fail. He states that this condition worsened and was seen by a military doctor to have a med board started. He also notes that he has been deemed disabled and went through treatment for MH issues as a result of sexual assault. Since his discharge, he has received corrective surgeries & attends therapy for his mental health issues.  The DRB determined that, through the administrative actions taken by the chain of command in this case, the applicant had ample opportunities to change his negative behavior. 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 his military service.  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.  If the applicant can provide additional information to substantiate his contentions, the board recommends he exercise the right to make a personal appearance before the DRB or directly appeal the DRB’s decision to the Air Force Board for Correction of Military Records.  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 15 Oct 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) | |