

**SUMMARY:**

The applicant was discharged on 13 November 2009 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airman* with a “General” discharge after “Misconduct (Other).” The applicant appealed for an upgrade of her discharge characterization, a change to the discharge narrative reason, and a change to the reenlistment eligibility (RE) code.

The applicant was represented by counsel.

The applicant appeared and testified before the Air Force Discharge Review Board (AFDRB), with counsel, via video teleconference using Zoom on 02 May 2023. One witness was present to testify on the applicant’s behalf.

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.

**DISCUSSION:** The AFDRB, 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 an Article 15, two Letters of Reprimand, and five Records of Individual Counseling. Her misconduct included failure to account for tools in composite tool kit, failure to go to her place of duty, failure to document aircraft maintenance was performed, failure to follow technical orders, and failure to secure classified materials.

The documentary evidence the Board considered as part of the review included: the DD form 293, *Application for the Review of Discharge from the Armed Forces of the United States*; The applicant’s personnel file from the *Automated Records Management System (ARMS)*; the DRB Brief; and additional documents provided by the applicant.

The applicant requested an upgraded discharge as a result of the sexual harassment and mental health conditions she endured which contributed to his discharge. The applicant stated the discharge was inequitable due to no pattern of misconduct and a disregard exhibited by her command. The applicant stated the time preceding her discharge she was suffering from number of personal issues. The applicant gave birth to child with special needs. Her first husband could not handle the stress of caring for the child with special needs left the applicant on her to raise their child. The applicant stated it was around that time that she turned to alcohol as a coping mechanism. She voluntarily entered and completed the ADAPT program and was treated by a psychologist. The applicant stated her discharge should be upgraded to Honorable due to her mental health and how she was discriminated against and targeted for being pregnant/single mother.

The Board reviewed the applicant’s entire service record and found no evidence of impropriety or inequity to warrant any changes to the discharge.

### **LIBERAL CONSIDERATION:**

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 (LC) standards required by guidance from the Office of the Under Secretary of Defense for Personnel and Readiness and 10 USC §1553. The Board included a member who is a clinical psychologist. Specifically, the Board reviewed the four questions the Under Secretary of Defense provided that boards should consider when weighing evidence in requests for modification of discharges due in whole or in part to mental health conditions, including post-traumatic stress disorder (PTSD); Traumatic Brain Injury (TBI); sexual assault, and sexual harassment. The Board considered the following:

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?

*The applicant checked the boxes for "other mental health" and "sexual assault/harassment" on the application.*

2. Did that condition exist/experience occur during military service?

*Based on a review of the applicant's records, there is evidence the applicant received mental health services during her time in service. The applicant's records reflect the applicant received substance use services during her time in service. The applicant's records revealed the applicant received the diagnoses, in service, of adjustment disorder, alcohol dependence, and depression unspecified. The applicant's counsel clarified during the personal appearance hearing that the applicant's contention of sexual harassment is based upon the applicant's claim that the applicant was a female, and females are the only gender that can become pregnant, she was stigmatized for becoming pregnant, and when the applicant became a single parent she was further harassed by personnel in her unit being a single parent thus equating to sexual harassment. The Board considered the evidence and testimony provided by the applicant, the applicant's counsel, and the applicant's witness. The Board could find no evidence or records of sexual harassment, as intended for consideration under the intention of liberal consideration.*

3. Does that condition or experience actually excuse or mitigate the discharge?

*A review of the applicant's records revealed the applicant previously contended her discharge was too harsh and she further contended previously that her diagnoses of schizoaffective disorder and major depression caused her misconduct. The Board opined- in the applicant's previous application- "the applicant's contention pertaining to her mental disorders had no merit. After a thorough and complete review of her medical records, the Board was unable to find any evidence to support this contention, nor did the applicant provide any supporting documentation." In the applicant's response to discharge notification the applicant stated "I am suffering from depression, and I believe it has weighed me down the past few months. This is evidenced by the paperwork I received." The applicant, through counsel, noted the applicant's maladaptive alcohol use was not related to a mental health condition, rather the maladaptive alcohol use started in response to marital dissolution and becoming a single parent. The applicant, through counsel also contended the applicant's alcohol use did not impact her duty performance and stated during the personal appearance hearing that the applicant's psychosocial stressors were the biggest impact to her ability to arrive at work on time including metro traffic, childcare, financial stressors, and lack of social support. The applicant's witness reported she believed the applicant's command was not supportive of the applicant receiving substance abuse treatment and found it to be insensitive that the applicant was required to attend IOP services outside of duty hours. The Board considered the applicant's condition and noted that the applicant did not believe a mental health condition contributed to her alcohol use and did not believe a mental health condition caused or contributed to her misconducts. The applicant believed her discharge was caused by her command and leadership not liking her and not wanting her to get substance use treatment. A review of the applicant's records revealed the applicant's misconducts- both formal and informal- to be*

*increasing in frequency and severity after her return to duty subsequent to substance use treatment. There is no evidence of a nexus between the applicant's in-service mental health conditions and the misconduct(s) for which she was discharged. It is as likely as not the applicant's mood symptoms could be attributed to the applicant's maladaptive alcohol use which, per the applicant's records, was noted to have started around the time of the applicant's documented misconducts.*

4. Does that condition, or experience outweigh the discharge?

*There is no evidence of a nexus between the applicant's in-service mental health conditions and the misconduct(s) for which she was discharged. No error was found in a review of the applicant's discharge processing; thus the applicant's discharge is not outweighed.*

Additionally, the Board considered the factors laid out in the attachment to the Under Secretary of Defense memorandum, *Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations*, dated 25 June 2018, known as the "Wilkie Memo."

**FINDING:** The DRB voted unanimously to *deny* the applicant's request to upgrade her discharge characterization to "Honorable," to change the discharge narrative reason to "Secretarial Authority," and to change the RE code to "2C" or "3K."

Should the applicant wish to appeal this decision, the applicant must seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, Air Force Board for Correction of Military Records.

**CONCLUSION:** After a thorough review of the available evidence, to include the Applicant's issues, summary of service, service/medical record entries, and discharge process, the Board found the discharge was proper and equitable. Therefore, the awarded characterization of service shall remain "General," the narrative reason for separation shall remain "Misconduct (Other)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the board president on 22 May 2023. 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

Instructions on how to appeal an AFDRB decision can be found at

<https://afrbportal.azurewebsites.us>

Attachment:

Examiner's Brief (Applicant Only)