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| AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT | CASE NUMBER FD-2023-00123 |
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SUMMARY:

The applicant was discharged on 29 August 2022 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airman* with a General Discharge for Misconduct (Minor Infractions). The applicant appealed for an upgrade of her discharge characterization, a change to the discharge narrative reason, and a change to the reenlistment eligibility code.

The applicant was not represented by counsel.

The applicant requested the board be completed based on a records only review. The Board was conducted on 13 July 2023.

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 Discharge Review Board (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 an Article 15, multiple Letters of Reprimand, and multiple Letters of Counseling. Her misconduct included: Failed to go to her prescribed place of duty/ absented herself from unit without authorization; failed to report to scheduled training; failed to remain alert and aware while posted as an alarm monitor; failed to report to scheduled appointment.

The documentary evidence the Board considered as part of the review includes, but is not limited to the DD form 293, *Application for the Review of Discharge from the Armed Forces of the United States* and any additional documentation submitted by applicant and/or counsel; the applicant's personnel file from the Automated Records Management System (ARMS); and the DRB Brief detailing the applicant's service information and a summary of the case.

The applicant contended that her discharge was improper because she didn't get the chance to improve or relocate. She indicated that her discharge was also inequitable because she was discharged under a policy that has since changed. The applicant explained that the new policy would have given her the chance to improve her behavior and seek help with her mental health issues. She concluded that there is substantial doubt that her discharge would have been the same under this new policy.

The DRB reviewed the applicant's entire service record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge. Probation and Rehabilitation (P&R) is considered during the discharge process by the Commander, and a recommendation is given to the separation authority. In this case P&R was not recommended because the member had consistent misconduct despite the numerous opportunities for rehabilitation using progressive discipline. The applicant claimed there was new policy regarding rehabilitation, however, there were no policy changes regarding discharges that would affect the applicant.

The specific guidance indicated by the applicant is the Army regulation for separation and has no relevance to Air Force policies.

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 physician, clinical psychologist, or psychiatrist. 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 "PTSD" and "other mental health" on the application. The applicant contended "My general discharge was inequitable because I was discharged under AR 135-178 Chapter 12-1a policy, which has since changed. Because the new policy would've given me the chance to improve my behavior and seek help which I did and the commander knew of my mental health issues I suffered, there is substantial doubt that my discharge wouldn't have been the same under this policy."

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

A review of the applicant's records revealed the applicant sought and received mental health services during her time in service. Based on the available records, the applicant reported symptoms related to low mood, a desire to live closer to her family, difficulty sleeping related to shift work and relational stressors, and bereavement. The applicant's records revealed the applicant received the diagnosis, in service, of adjustment disorder.

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

The applicant contends she was discharged under AR 135-178, which is an Army Reserve policy governing discharges. The applicant was, per review of the applicant's DD214, discharged under the authority of AFI 36-3208 with an Under Honorable Conditions-General character of service due to misconduct (minor infractions) with two years, four months, and twenty-three days time in service. The records revealed the applicant described symptom development in response to relational stressors, bereavement related to deaths that occurred prior to the applicant's enlistment and difficulty coping with identified stressors contributed to additional occupational problems. There is no evidence a mental health condition caused the misconduct(s) that led to the applicant's discharge. There is evidence the applicant exhibited and endorsed difficulty adjusting to the military lifestyle and poor coping skills which may explain the applicant's misconduct but it does not constitute a mental health condition and does not mitigate the misconduct(s) that led to the applicant's discharge.

4. Does that condition or experience outweigh the discharge?

Because the applicant's discharge is not mitigated is it also 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.” The Board considered the factors listed in paragraphs (6)(a)-(6)(l) and (7)(a)-(7)(r) of this memorandum.

FINDING: The DRB voted unanimously to *deny* the applicant’s request to upgrade her discharge characterization, to change the discharge narrative reason, and to change the reenlistment eligibility code.

Should the applicant wish to appeal this decision, the applicant must request a personal appearance before this Board before applying for relief to the Air Force Board for Correction of Military Records (AFBCMR). In accordance with DAFI 36-2603, Air Force Board for Correction of Military Records, all applicants before the AFBCMR must first exhaust available administrative avenues of relief before applying to the AFBCMR, otherwise their AFBCMR case will be administratively closed until such time that the applicant avails themselves of the available avenue of relief. Therefore, should the applicant wish to appeal this decision, they must first exercise their right to make a personal appearance before the AFDRB.

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 (Minor Infractions),” and the reentry code shall remain “2B.” The Air Force DRB (AFDRB) results were approved by the board president on 2 August 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)

