

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT**CASE NUMBER****FD-2023-00131**

SUMMARY: The applicant was discharged on 18 August 2021 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Fraudulent Entry. The applicant appealed for an upgrade of her discharge characterization.

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 20 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 a Letter of Reprimand for fraudulent entry into the military.

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 she informed her recruiter that she had been prescribed, and was taking, anti-depressants at the time she applied to join the military. She also contended that the recruiter instructed her to stop taking the medication and to lie to the doctors at MEPS, which she claimed she naively did. She believed she served honorably and to the best of her ability and requested her discharge characterization be upgraded.

A review of the applicant's records revealed she met a Physical Evaluation Board (PEB) and was found unfit for Major Depressive Disorder, Generalized Anxiety Disorder, and Borderline Personality Disorder. The PEB recommended she be permanently retired for her conditions. It was also discovered she had significant pre-existing medical conditions that she did not disclose to MEPS. Based on this, her unit brought the applicant back from terminal leave and proceeded with administrative discharge for fraudulent entry. Her case was forwarded to the Secretary of the Air Force Personnel Council for dual-action processing and the Board recommended she be discharged administratively.

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:

The applicant checked the box for “other mental health” on the application. She contended “At the time I joined the Air Force I was 18 years old and still in high school. I went to see the recruiter and I was completely honest with him that I was taking anti-depressants. These anti-depressants were prescribed to me by a family doctor, and I had never gotten an official diagnosis of any mental health issues. My recruiter told me to stop taking the medications and to lie to the doctors at MEPS. I stupidly and naively, did what he said, like many other people have, and continue to do when joining the Air Force. I gave 5 years of my life to the Air Force, and I do feel that I served honorably and to the best of my ability.” The applicant’s discharge was processed through dual-action processing and the Secretary of the Air Force Personnel Council determined the applicant’s mental health conditions existed prior to service (EPTS) and the applicant willfully and intentionally failed to disclose her mental health conditions from recruiters resulting in her administrative discharge.

Liberal consideration is not required for cases involving EPTS conditions with no evidence of service aggravation. There is no evidence of service aggravation beyond the normal progression or course of the applicant’s pre-existing conditions. Further consideration of this applicant’s request under the intent of Liberal Consideration is not necessary. No error was found upon review of the applicant’s discharge; 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.” The Board considered the factors listed in paragraphs (6)(a)-(6)(l) and (7)(a)-(7)(r) of this memorandum and did not find any evidence of impropriety or inequity.

FINDING: The DRB voted unanimously to *deny* the applicant’s request to upgrade her discharge characterization to Honorable. The DRB also voted unanimously to *deny* changing the discharge narrative reason and 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, the narrative reason for separation shall remain, and the reentry code shall remain. The Air Force DRB (AFDRB) results were approved by the board president on 25 July 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)

