

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2023-00168
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SUMMARY: The applicant was discharged on 16 February 2023 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Entry Level Separation for Fraudulent Entry. The applicant appealed for a change to his 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 03 August 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 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 his discharge was improper and inequitable. He claimed prior to joining the Air Force he lost approximately 100-120 pounds. He claimed he lost the weight in a healthy manner through diet and exercise. However, he was seen by a civilian nurse practitioner, not his primary doctor, and she labeled him as anorexic without his knowledge. He further claimed he did not fully review his medical records when he enlisted, therefore, he did not know he had been diagnosed with anorexia. He accepted responsibility for his actions and submitted a current medical physical that indicated he does not currently have anorexia.

A review of the applicant's record revealed he was referred for a mental health evaluation due to reporting a history of anorexia. The applicant voluntarily reported to the providers that he struggled with body images for several years as a teen and lost over 120 pounds battling anorexia. The applicant did not disclose this condition at MEPS. Anorexia is a disqualifying condition under DoDI 6130.03, *Medical Standards for Military Service*, and a waiver was not granted, and he was discharged for fraudulent entry.

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:

A review of the applicant's in-service records revealed the applicant disclosed to providers a pre-service history of feeling and eating challenges between the ages of 13 and 17. The applicant's records reflected he endorsed a maladaptive pattern of overeating and also a pattern of food restriction and working out. The applicant's records revealed the applicant's history of disordered feeding or eating was disqualifying for general military service per DoDI 6130.03. Therefore, the applicant's request for a waiver was denied.

The applicant's condition existed prior to service (EPTS) and there was no evidence of service aggravation, thus the intent of liberal consideration does not apply.

As noted in the applicant's discharge package, the applicant requested a medical accession waiver which was denied and thus he was discharged due to fraudulent entry. Based on the available records, there is evidence the applicant endorsed a pattern of maladaptive eating patterns prior to service that were not disclosed to MEPS which resulted in his discharge. The Discharge Review Board is not the waiver authority for pre-existing conditions. There is no evidence the applicant's discharge was improper or did not follow the requirements of Entry Level Separation in accordance with AFI 36-3208. The applicant did not complete the entry level status of 180 days of service as detailed in AFI 36-3208, thus the characterization, narrative reason, and reentry code of the applicant's service were appropriately characterized.

FINDING: The DRB voted unanimously to *deny* the applicant's request to change his reenlistment eligibility code. The DRB also voted unanimously to *deny* changing the discharge narrative reason.

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 09 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://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)

