

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2023-00197
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SUMMARY: The applicant was discharged on 7 June 2022 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Misconduct (Minor Infractions). The applicant appealed for an upgrade of his discharge characterization, a change to the discharge narrative reason and associated separation code, and a change to the reentry 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 24 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 reentry 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 and multiple Letters of Reprimand. His misconduct included: failure to go on multiple occasions, dereliction of duty, failure to pay debts, and false official statements.

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 towards the end of his career he developed severe depression and became an alcoholic. He claimed he had evidence to support he was seeking mental health treatment and was enrolled in ADAPT. He further claimed his depression led to his misconduct and poor duty performance. Additionally, the applicant contended he was not prescribed medicine until two months before his discharge and was not given a chance to redeem himself.

A review of the applicant's record revealed he had multiple incidents of misconduct over the course of almost a year. His misconduct included failure to go on multiple occasions, false statements, failure to pay his rent, and government travel card, and having a pet in his off-base apartment without the landlord's permission. He received multiple Letters of Reprimand, was punished under Article 15, had suspended punishment vacated and was reduced in rank. In his response to the discharge action, the applicant claimed he was dealing with depression, didn't feel welcome or cared about in his unit, and was alone and isolated during COVID-19 restrictions. As a result, he fell into severe depression, isolated himself, and had zero motivation. He submitted his DVA letter with his application and had been diagnosed with persistent depressive disorder with alcohol related disorder and had an overall 80% disability rating.

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 contend that a condition or experience may have excused or mitigated their misconduct or discharge?

The applicant checked the box for "other mental health" on his application. The applicant contended "Towards the end of my career, I developed severe depression and became an alcoholic. I have several pages of evidence supporting that I was seeing mental health and admitted into ADAPT. With so much depression and no medication, I started to underperform in my duties. I missed bill payments, constantly needed reminding to get a haircut or to shave, and I started oversleeping during the work week. I tried as hard as possible to get on the right path because I was proud to serve in the world's greatest Air Force. I was prescribed medication about two months before my discharge. I was not allowed to redeem myself while on medication."

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

The applicant's in-service records revealed he sought and received mental health care during his time in service. The applicant's records indicated he was medically referred to ADAPT during his time in service. The applicant's records revealed he received the diagnosis, in service, of alcohol use disorder, and adjustment disorder.

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

A review of the applicant's records revealed he was discharged with a General character of service due to misconduct (minor infractions). The applicant's records reflected a pattern of misconduct during his time in service including absenting himself from work before end of shift, making false official statements, failure to go to mandatory medical appointments, failure to pay apartment lease obligations, violated apartment lease agreement terms by having house pets on the premises, and failure to pay his government travel card bill. The applicant contended in his response to the discharge notification "While stationed at Aviano AB, I didn't feel welcomed or cared about. Everyone had their cliques, and I was never included in any holidays or weekend plans. I lived in Italy alone with no friends, no family, and under COVID-19 restrictions. As a result, I succumbed to severe depression and found myself alone in a pit of darkness."

The records revealed the applicant described symptom development in response to relational stressors, PCS, and maladaptive alcohol use. The applicant also contended difficulty coping with stressors contributed to additional occupational and legal problems. There is no evidence a mental health condition caused the misconduct that led to the applicant's discharge. Furthermore, it is unlikely that any mental health condition would mitigate premeditated, intentional, and willful dishonesty. There is evidence the applicant exhibited and endorsed difficulty adjusting to the military lifestyle upon his PCS and poor coping skills which may explain the applicant's misconduct, but it does not mitigate the misconduct that led to his discharge. Based on review of the applicant's records, the applicant's mental health conditions were known and fully considered by his command during the discharge process.

The applicant submitted a screen shot of his DVA ratings as evidence in support of his claim. The applicant did not submit any additional information regarding his post-service care or treatment to substantiate his claim. Regarding the applicant's concurrence with his DVA rating, the DVA, operating under a different set of laws than the military, is empowered to offer compensation for any medical or mental health condition with an established nexus to military service, without regard to its impact on a member's fitness to serve, the narrative reason for release for service, or the length of time that has transpired since the date of discharge. The DVA may also conduct periodic reevaluations for the purpose of adjusting the disability rating as the level of impairment from a given condition may improve or worsen over the life of the veteran. At the "snapshot in time" of the applicant's service, there is no evidence of a mitigating nexus between the applicant's mental health condition and the misconduct which led to his discharge.

4. Does that condition or experience outweigh the discharge?

Because the applicant's mental health condition does not mitigate his discharge, it also does not outweigh his discharge.

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 his discharge characterization to Honorable, to change the discharge narrative reason and associated separation code to Secretarial Authority, and to change the reenlistment eligibility code to 2C or 3K.

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 and associated separation code for separation shall remain, and the reentry code shall remain. The Air Force DRB (AFDRB) results were approved by the board president on 28 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)

