

SUMMARY:

The applicant was discharged on 26 February 2023 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Honorable Discharge for Miscellaneous – General Reasons. The applicant appealed for an upgrade of his 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 21 September 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. His misconduct included: Physically controlled a vehicle while the alcohol concentration in blood equaled or exceeded .08 grams per 100 milliliters of blood.

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 explained that he voluntarily separated to continue to recover from MST and finish school. He indicated that he was told there would be no bar from service, however, the reentry code given does not allow reenlistment. The applicant believes that the Article 15 received, which was for driving under the influence, is the reason for the bar from reentry. He explained that this was a reaction of PTSD and a cry for help. The applicant concluded that he has no plan for reentry at this time, but there is a long-term goal to return to the Air Force once his goals are accomplished.

After a thorough review, the DRB determined that the reentry code listed on the DD214 is administratively incorrect and therefore improper. The Board determined that an upgrade to the reentry code was warranted.

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", "other mental health" and "sexual assault/harassment" on the application. The applicant contended (in part) "My overall enlistment, as reflected in my DD214, was honorable and my decision to voluntarily separate was on the condition to continue my recovery from MST and finish school."

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

A review of the applicant's in-service records reflect the applicant reported an experience sexual assault during his time in service. The applicant's in service records also reflect the applicant sought and received mental health services subsequent during his time in service and received treatment for depression, anxiety, and trauma related symptoms.

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

In considering the applicant's request for a change in his re-entry code that would allow him to re-enlist under the intent of liberal consideration the Board does not dispute the applicant's contention of his in-service experience of Military Sexual Trauma or his in-service mental health conditions including suicidal ideation, depression, anxiety.

The applicant's records revealed the applicant voluntarily separated due to miscellaneous- general reasons. Although there is evidence the applicant received documented misconduct during his time in service, there is no evidence the applicant was discharged due to misconduct. There is evidence the applicant endorsed in service and also stated in his letter to the board that he was experiencing symptoms of PTSD, maladaptive substance use, and suicidal ideations during his time in service. In considering the aforementioned information and based upon the applicant's conditions at the time of discharge as reflected in his records, the most appropriate RE code is 3K.

4. Does that condition or experience outweigh the discharge?

There is evidence the applicant endorsed in service and also stated in his letter to the board that he was experiencing symptoms of PTSD, maladaptive substance use, and suicidal ideations during his time in service. The applicant's records revealed he strongly disliked being in the military and requested to separate. In considering the aforementioned information and based upon the applicant's conditions at the time of discharge as reflected in his records, the most appropriate RE code is 3K. The Discharge Review Board is not the waiver authority for re-entry into military service. However, there is evidence the applicant has reported and is receiving care for potentially disqualifying conditions.

FINDING: The DRB voted unanimously to **approve** the applicant's request to upgrade his reentry code. It did not change the Character or Narrative reason.

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 improper. Therefore, the awarded characterization of service shall remain "Honorable," the narrative reason for separation shall remain "Miscellaneous – General Reasons," and the reentry code shall change to "3K." The Air Force DRB (AFDRB) results were approved by the board president on 26 September 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)

