

SUMMARY:

The applicant was discharged on 05 February 2018 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General Discharge for a Pattern of Misconduct. The applicant appealed for an upgrade of her discharge characterization, a change to the discharge narrative reason, 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 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. Her misconduct included: Falsified a military ID card.

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 her discharge should be changed due to the investigation not being properly conducted, false testimonies from unreliable witnesses, and the documentation leading to her discharge cannot be found. She claimed she received a second Article 15 which led to her discharge but it cannot be found in MyPers or the National Archives. Further she contends she was denied the opportunity by her commander to medically separate even though she was unable to perform a full PT test for 3 years and had mental health issues. She requested and upgrade to obtain educational benefits and/or receive a medical related discharge.

The DRB reviewed the applicant's case but found no evidence of impropriety or inequity to warrant an upgrade of the discharge. The Board determined that there was not a nexus between the mental health issues and the misconduct the applicant was discharged for. Additionally, upon review of the applicant's service record, the Board was not able to find any documentation regarding the discharge. Since the board relies on the presumption of regularity, it concluded the discharge received by the applicant was appropriate.

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 did not check any boxes on Item 19 of the application; the applicant contended "The board should grant the change due to my investigation not being properly conducted due to delinquency, false testimonies from an unreliable witness, witness statement being admitted without acquaintance, and due to the fact the documentation leading up to my discharge cannot be found. I received a second Article 15 which led to my discharge but it cannot be found by MyPers or the National Archives. Prior to the investigation for discharge I was denied the opportunity by my commander to medically separate even though I was unable to perform a full PT test for almost 3 years and had mental health issues. My initial Article 15 as not removed from my PIF when requested after 2 years."

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

Based on a review of the applicant's in-service records, there is evidence the applicant sought and received mental health treatment during her time in service and received the diagnosis of adjustment disorder after her second documented misconduct. A review of the applicant's records revealed the applicant endorsed psychosocial, relational, occupational, and financial stressors during her time in service and endorsed intermittent symptoms of difficulty sleeping, low mood, and anxiety.

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

A review of the applicant's DD214 revealed the applicant was discharged with a General character of service due to a pattern of misconduct with three years, five months, and seventeen days' time in service.

The applicant's records revealed the applicant described symptom development in response to psychosocial stressors and 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. 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 that led to the applicant's discharge.

There is no evidence of a nexus between the symptoms endorsed by the applicant during her time in service and the misconduct that led to her discharge. There is no evidence or records to substantiate that the applicant's reported symptoms of insomnia, low mood or anxiety would cause or substantially contribute to the applicant's alteration and falsification of a government identification card.

The applicant submitted her VA rating as evidence in support of her claim. The VA, 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 VA 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 the applicant’s mental health symptoms caused or mitigated the misconduct(s) which led to the applicant’s discharge.

4. Does that condition or experience outweigh the discharge?

Because the applicant’s discharge is not mitigated by a mental health condition, it is 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 and found no evidence of inequity or impropriety.

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 reentry 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 “Pattern of Misconduct,” and the reentry code shall remain “2B.” The Air Force DRB (AFDRB) results were approved by the board president on 10 October 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)

