

**SUMMARY:** The applicant was discharged on 25 June 2020 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Misconduct (Pattern of Misconduct). The applicant appealed for an upgrade of his 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 26 October 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 multiple Letters of Counseling and Reprimand, and administrative demotion actions. His misconduct included: failure to go, failure to follow orders, disrespect towards an NCO, and absent without authority.

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 he had a mental health issue that was missed by the separation authority. He claimed he began to develop mental health issues after he arrived at his first unit that were ignored by his leadership. He further claimed he was seeing a behavioral health specialist for the last year of his enlistment, and despite his ongoing treatment, his unit refused to take this into account and discharged him instead. Additionally, he requested his rank be restored.

A review of the applicant's records revealed he had multiple incidents of misconduct that he was administratively counseled for. Most his misconduct involved failure to report for duty on time and/or missed appointments and mandatory formations. Additionally, he failed his physical fitness test multiple times and was twice demoted as a result. In his response to the discharge action the applicant claimed his command was "out to get him" for filing an Inspector General (IG) complaint. According to the legal review the applicant was under an investigation for misconduct. No further information was available regarding the nature of the investigation or the IG complaint. The applicant requested the basis for his discharge reflect fitness failure, not misconduct.

**LIBERAL CONSIDERATION:**

Due to the applicant's contention of a mental health condition, 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 boxes for “PTSD” and “Other mental health” on the application. The applicant contended “Soon after arriving at FE Warren I began to develop mental health issues that went ignored by my unit. I was seeing a Behavioral Health Specialist for the last year of my enlistment. In spite of my ongoing treatment, my unit refused to take this into account and processed me for discharge.”*

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

*There is no evidence the applicant received the diagnosis, in service, of PTSD. There is no evidence the applicant exhibited or endorsed any clinically significant indicators of PTSD during his time in service. The applicant’s medical records revealed the applicant sought and received mental health services while in technical school due to be unhappy with his career field and he requested to be cross-trained. The applicant’s records revealed he was re-classified into another career field and his mental health case was closed. The applicant’s records also revealed he was referred to mental health and nutrition services by his primary care doctor in January of 2020 related to his fitness failures and weight management difficulties. Based on a review of the records, the applicant attended one session.*

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

*A review of the applicant’s DD214 revealed he was discharged with a General character of service due to a pattern of misconduct. The applicant’s medical records revealed he sought and received mental health services while in technical school due to be unhappy with his career field and he requested to be cross-trained. The applicant’s records revealed he was re-classified and his mental health case was closed.*

*The applicant’s rebuttals to his misconduct revealed he detailed his stressors to his leadership on multiple occasions. In his Written Response to Demotion Action dated 13 November 2019, the applicant stated “Another thing to take into consideration is my overall mental health and stress levels I have been facing lately. On top of being divorced just this year, my orders for an over-seas base got canceled last minute. I have had a lot of issues in my current unit, and I saw this as a much needed fresh start.” The applicant also stated “Also this year I was informed of a likely administrative or other similar discharge. All have which took a massive toll on my overall happiness as well as significantly raised my stress levels. It even has gone as far as to affect my sleep.”*

*The applicant claimed he was receiving behavioral health services during the last year of his time in service. There is no evidence or records to substantiate this claim. The applicant submitted a letter dated 29 January 2020 from a civilian telehealth provider in support of the applicant being able to travel with his dog in the cabin of a commercial aircraft as an emotional support animal. The applicant also submitted a letter dated 6 February 2020 from a civilian provider in support of allowing the applicant “to obtain/maintain his Emotional Support Animal.” No other mental health records were submitted by the applicant. The two letters submitted by the applicant do not provide any information about why he was seeking mental health services other than for permission to have his dog live with him and travel with him for companionship. There is no evidence the applicant sought or received any military mental health services during the last year of time in service as contended.*

*The records revealed the applicant described symptom development in response to relational stressors/divorce and difficulty coping with those stressors contributed to additional occupational and psychosocial problems. Divorce and loneliness, while stressful, are not mitigating mental health conditions. 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 mitigating mental health condition that would excuse the misconduct that 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, the applicant's discharge 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 his discharge characterization. The DRB also voted unanimously to deny changing the discharge narrative reason and the reentry code. Additionally, the applicant's request to have his rank restored is outside the scope of authority of the DRB, therefore, not reviewed by the Board.

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 "Misconduct (Pattern of Misconduct)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the board president on 01 November 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)

