

**SUMMARY:** The applicant was discharged on 31 March 2009 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Entry Level Separation for Failed Physical/Medical Standards. The applicant appealed for an upgrade of her 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 reenry 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 made no contentions. She submitted letters from the Department of Veterans Affairs (DVA) that indicated she has been rated at a 100% disability rating for unidentified conditions.

A review of the applicant's records revealed she was found to have an unfitting medical condition (asthma) while attending Basic Military Training (BMT). She admitted to having asthma prior to joining the Air Force and also admitted to using an inhaler. She claimed her last asthmatic episode was at least 12 months prior to reporting to MEPS and her recruiter told her she did not have to disclose this condition. The recruiter was interviewed and claimed to not have any recollection of the applicant disclosing inhaler use. The unit determined there was miscommunication between the applicant and the recruiter and discharged her for erroneous enlistment for failed physical/medical standards IAW DoDI 6130.03, Volume 1, *Medical Standards for Military Service: Appointment, Enlistment, or Induction*.

**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 box on the application for "PTSD" and "other mental health." The applicant made no contentions and submitted no testimony with her application. The applicant submitted documents from the DVA indicating the applicant is receiving service-connected disability but does not indicate for what conditions and the applicant made no claims or contentions related to the documents submitted.*

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

*There is no evidence or records the applicant received a diagnosis of PTSD during her time in service. There is no evidence the applicant exhibited or endorsed any clinically significant indicators of PTSD during her brief time in service. Furthermore, the records revealed the applicant's in-service symptoms of anxiety existed prior to service (EPTS) and there is no evidence of service aggravation beyond the natural progression. While the applicant's failure to disclose conditions that existed prior to service may have caused the applicant's discharge, they are generally excluded from the intent of liberal consideration and do not mitigate the applicant's discharge.*

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

*Contrary to the DVA documentation submitted by the applicant in support of her claim indicating the applicant received an under honorable conditions discharge, a review of the applicant's records revealed the applicant was discharged with an uncharacterized character of service due to failed medical/physical procurement standards. The applicant's discharge package revealed she was discharged due to failed medical/physical procurement standards after the applicant's waivers were denied for moderate persistent asthma and anxiety. The applicant's records revealed she did not disclose her conditions of asthma and anxiety to MEPS which resulted in her discharge. While the applicant's failure to disclose pre-existing medical conditions may have caused the applicant's discharge, they are generally excluded from the intent of liberal consideration and do not mitigate the applicant's discharge.*

4. Does that condition or experience outweigh the discharge?

*Regarding the applicant's submission of her DVA service connection disability 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 from 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 she had a mental health condition that caused or contributed to her discharge. There is no evidence the applicant's discharge was improper or did not follow the requirements of Entry Level Separations IAW 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 of her service was appropriately deemed as uncharacterized.*

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. The DRB also voted unanimously to *deny* changing the discharge narrative reason and 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 “Entry Level Separation,” the narrative reason for separation shall remain “Failed Medical/Physical Standards,” and the reentry code shall remain “2C.” The Air Force DRB (AFDRB) results were approved by the board president on 7 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://afrbaportal.azurewebsites.us>

Attachment:  
Examiner's Brief (Applicant Only)

