

SUMMARY: The applicant was discharged on 20 December 2016 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 16 November 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: civilian arrest for an outstanding warrant, false official statements, feigning illness, sleeping on duty, and driving while impaired.

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 was exposed to a high stress and dangerous environment while deployed to Afghanistan in 2013-2014. He claimed when he returned from deployment he turned to alcohol to cope with mental health problems. He further claimed he did not seek mental health services due to the negative stigma and fear of getting kicked out of the military. Additionally, the applicant claimed he was a good Airman prior to the deployment.

A review of the applicant's record revealed he had multiple incidents of misconduct, mostly related to alcohol misuse. He was discharged for minor misconduct. He submitted his Department of Veteran Affairs disability letter and has been rated at 100% for multiple conditions including PTSD.

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 for "PTSD" and "other mental health" on the application. The applicant contended "I was deployed to Kabul Afghanistan 2013-2014. During my deployment I was tasked with numerous high-risk missions to include heavy gunner for convoy missions, security for aerial over watch, protection of high-ranking officials and base security. Throughout my deployment, I was exposed to soldiers who had been mutilated by explosions, dead bodies, constant base attacks with firearms and mortars, lack of sleep, a vehicle borne explosive, as well as several other stressful and traumatic events. I received a medal for my service as well as recommendations for promotion. I suffer from PTSD and receive 70% disability for PTSD and 100% overall disability for my service in war."

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

There is no evidence the applicant sought or received any mental health treatment during his time in service. There is no evidence the applicant received the diagnosis of PTSD during his time in service. A review of the applicant's records revealed he endorsed that he had been experiencing disturbing dreams for "a few weeks" during the final days of his time in service. The applicant made it known to leadership in his responses to disciplinary actions that he was fully able to perform the duties of his job. He also stated in his response to his reprimand for failing to appear in court that resulted in a bench warrant that he never had any work related issues and he fully understood that his off-duty time put him in that position.

The applicant's records revealed he was command referred to ADAPT on at least three occasions for maladaptive alcohol use and alcohol related misconduct. The applicant completed alcohol education and Level 1 treatment services, although his records indicated he continued to use alcohol for the duration of his time in treatment and was not interested in abstaining.

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 misconduct (minor infractions).

The applicant stated in his personal statement "When I returned [from Afghanistan in July 2014], I suffered from severe anxiety, lack of sleep, migraines, fatigue, depression, anger, confusion, and several other mental health issues. I did not report any of these conditions to medical personnel while in the service because I was afraid that I would get kicked out of the military, judged, placed in mental health services and an overall fear that it would affect my life and military career. I turned to alcohol as a way to bottle up the emotions that I was experiencing, and it led to me making poor choices under the influence of alcohol. I suffer from mental health issues as a direct result of my deployment which ultimately led to my early discharge." The applicant further stated "Also, I ask that you please understand that I did not want to disclose any of this information while I was in the service because I truly believed it would drastically affect my life and career if I reported my mental health and state of mind during that time."

The applicant's contentions and testimony are contradictory to the available in-service and post-service records. The applicant's records revealed his maladaptive alcohol use began prior to his deployment and prior to service. In April 2012, the applicant was command referred to the ADAPT program due to an

alcohol related incident. The applicant's record revealed he denied problematic alcohol use and denied any mental health symptoms. The applicant's next incident of alcohol related misconduct occurred after he returned from deployment and occurred in the context of a social setting at which time the applicant received civilian charges that included DUI, speeding, and street racing. Subsequent to this misconduct, the applicant was again command referred to ADAPT. The applicant reported to providers when he was command referred a third time, weeks before his discharge for misconduct, that he did not take ADAPT treatment seriously and continued to drink for the duration of his time in ADAPT services and had been drinking socially in a binge manner with his friends since age 17. The applicant's records also reflected that he reported to the ADAPT provider in the weeks before his discharge that he had recently (within a few weeks) started having disturbing dreams about his deployment experiences. A review of the applicant's available post-service records revealed he reported in 2023 (seven years post discharge) symptoms of feeling paranoid with onset within the previous year. Based on a review of the available records, and consideration of the applicant's testimony, there is no evidence of a mitigating nexus between the symptoms of disturbing dreams that the applicant reported began occurring in the last two weeks of his enlistment and the alcohol related misconduct that occurred for the duration of his time in service.

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 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 lifetime of the veteran. At the "snapshot in time" of the applicant's service, there is no evidence he had a mental health condition that caused or mitigated the misconduct which led to his discharge.

4. Does that condition or experience outweigh the discharge?

Because the applicant's discharge is not mitigated, is it 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, to change the discharge narrative reason and associated separation code, 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 "Misconduct (Minor Infractions)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the Board president on 30 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)