

SUMMARY:

The applicant was discharged on 02 December 2015 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions (General) Discharge for Misconduct (Minor Infractions). The applicant appealed for an upgrade of his discharge characterization.

The applicant was represented by counsel.

The applicant requested the Board be completed based on a records only review. The Board was conducted on 30 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, multiple Letters of Reprimand, and multiple Letters of Counseling. His misconduct included: Failure to go at the time prescribed to the appointed place of duty; Wore a dirty uniform and was not shaven prior to duty; As a ground observer, failed to ensure that the wing flaps were clear of personnel prior to flap operation, which almost caused injury to personnel; Failed to maintain general maintenance practice safety, and forms documentation standards outlined in the guidance; Failed to report to appointed place of duty on time; After failing a mock PT test, the member failed to obey a lawful order to report to mandatory physical training; Failed to report to his appointed place of duty on time; Failed to meet specific requirements when signing off a "Red X" in the aircraft forms; Failed to obey a lawful order by arriving to his scheduled FTD class 50 minutes late; Failed to report to duty before 0700 as he was ordered to do, the third time he had been late in 30 days; Failed to maintain his dorm room within cleanliness standards, second dorm inspection failure in three months.

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 indicated an upgrade is warranted because of medical and mental health issues, which were ignored by his chain of command and directly caused his discharge.

The DRB reviewed the applicant's entire service record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge. According to the evidence in the applicant's record, command fully considered his mental health issues during the discharge process. The applicant did not provide sufficient evidence contrary to his record that would warrant an upgrade to the discharge.

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 box for "other mental health" on the application. He contended "My discharge should be upgraded because my medical and mental health issues were ignored by my supervision and directly caused my discharge."

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

The applicant's records revealed he sought and received mental health services during his time in service and received the diagnosis of anxiety disorder, unspecified. The applicant reported experiencing stress and occupational problems causing him to feel anxious during his time in service.

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 an Under Honorable Conditions (General) service characterization due to misconduct (minor infractions) with four years eight months and twenty-five days' time in service. A review of the applicant's records revealed eleven documented acts of misconduct during the applicant's time in service. There is evidence the applicant sought and received mental health services during his time in service related to stress from his workplace and job duties and subsequent to receiving disciplinary actions. There is no evidence a mental health condition caused the misconducts that led to the applicant's discharge. The applicant's records revealed he reported to providers that his mental health symptoms abated completely while he was deployed. However, when he returned to his home station unit, his occupational and interpersonal difficulties resumed which caused him to feel anxious. The applicant's records revealed a pattern of misconduct, and he described symptom development in response to occupational stressors and difficulty coping with such stressors which contributed to additional occupational and disciplinary problems. The applicant's records reveal he sought and received mental health services in response to these stressors. The presence of a mental health condition, in and of itself, does not mitigate misconduct.

4. Does that condition or experience outweigh the discharge?

Based on review of the applicant's records, the applicant's mental health conditions were known and fully considered by the applicant's command during the discharge process. No error was found in the review of the applicant's records. Because his discharge is not mitigated by his in-service 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, 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 “Misconduct (Minor Infractions),” and the reentry code shall remain “2B.” The Air Force DRB (AFDRB) results were approved by the Board president on 12 December 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)