

SUMMARY:

The applicant was discharged on 11 April 2022 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 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 14 December 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 reenlistment eligibility 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 a vacation of suspended non-judicial punishment. His misconduct included: Willfully failed to keep his dorm room clean (multiple occurrences).

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 that his discharge was due to poor personal hygiene and poor room cleanliness. He claimed that since separation, he has been granted service-connected disability for depression and adjustment disorder, which the main symptoms are poor hygiene and letting yourself go.

After thorough consideration of the applicant's record and testimony, the DRB determined that the applicant's mental health condition mitigates and outweighs the discharge. Therefore, the Board found that an Honorable characterization was more appropriate for the level of misconduct the applicant committed.

LIBERAL CONSIDERATION:

Due to evidence of a mental health diagnosis and/or experiences of sexual assault or sexual harassment and/or records documenting that one or more symptoms of mental health conditions and/or experiences of sexual assault or sexual harassment existed/occurred during military service found in the applicant's 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, psychiatrist or social worker with training on mental health issues connected with PTSD or TBI or other trauma. 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 PTSD; 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. The applicant contended “I believe the board should grant my change due to the fact that my administrative discharge was due to the fact that I had poor personal hygiene, and poor room cleanliness. Since getting out I have been granted a service-connected disability through the VA of depression with adjustment disorder, which you will see in the attached files, and the main symptoms are poor hygiene and letting yourself go.”

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

There is evidence the applicant received mental health services intermittently during his time in service and endorsed symptoms of low mood, lack of energy, low motivation, disrupted sleep pattern due to shift work, feelings of homesickness. A review of the applicant’s mental health records revealed the applicant attended mental health services intermittently. The applicant’s initial encounter with mental health was one session in January 2020 in which the applicant reported symptoms of feeling homesick and isolated. The applicant did not follow-up for additional services. The applicant returned to the mental health clinic in December 2020 stating he had been feeling depressed for several months having difficulty with personal hygiene due to a medical condition and low motivation to maintain cleanliness. The applicant attended four sessions and reported improvement in mood and functioning, and reported he no longer needed mental health services, had stopped taking his sleeping medications on his own and requested to have his case closed. The applicant returned to mental health in August 2021 with an escort to the clinic from his first sergeant with symptoms of feeling overwhelmed and stressed due to being placed on control roster due to his inability to keep his room clean. The applicant declined medications and did not follow up with any other appointments. The applicant’s records revealed the applicant received the diagnosis, in service, of unspecified depressive disorder.

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 misconduct (minor infractions) with three years, four months, twenty-three days’ time in service. The applicant’s discharge package was not available for review.

A review of the applicant’s DD214 revealed the applicant was discharged with a general character of service due to misconduct (minor infractions) with three years, four months, twenty-three days’ time in service. The applicant’s discharge package was not available for review. Based on a review of the available medical records, the applicant reported symptoms of depressed mood, low motivation, resulting in difficulty maintaining personal hygiene. A review of the applicant’s in-service misconducts revealed the applicant received multiple progressive disciplinary actions related to failing to maintain room cleanliness. There is evidence the applicant’s in-service mental health condition may have caused or substantially contributed to the misconducts that led to his discharge.

4. Does that condition or experience outweigh the discharge?

Based on a review of the available evidence and consideration of the totality of the applicant’s time in

service, there is evidence the applicant's mental health condition may have outweighed his discharge.

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.

FINDING: The DRB voted unanimously to **approve** the applicant's request to upgrade his discharge characterization. It voted unanimously to **deny** a change to the reentry code. It voted 2 to 1 to **deny** any change the discharge narrative reason.

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 inequitable. Therefore, the awarded characterization of service shall change to "Honorable," 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 presiding officer on 3 January 2024. 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)

