

**SUMMARY:**

The applicant was discharged on 17 April 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Entry Level Separation for Fraudulent Entry. The applicant appealed for an upgrade of his 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 04 January 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 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 is requesting an upgrade of the reentry code so that he may reenlist. He believes that the current reentry code is inaccurate and does not reflect his current abilities to serve. He indicated that his medical records reflected a diagnosis of adjustment disorder upon arrival to BMT, but he had received and successfully completed counselling years prior. The applicant explained that an outdated misdiagnosis of Borderline Personality Disorder, Depression, and Anxiety from a previous counseling was erroneously attributed to his current mental health condition. He explained further that this misdiagnosis was disregarded by his therapist and was given a different diagnosis based on his progress with treatment and ability to function. During the discharge process, the applicant indicates that the Psychologist at BAS discouraged him from appealing the discharge. The applicant concluded that the decision to discharge was based on an incorrect diagnosis, disregard of an accurate diagnosis, and failure to consider the progress he has made.

The DRB reviewed the applicant's entire service record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge. The applicant knowingly withheld information during MEPS of mental health issues or conditions, and use of marijuana. This conduct warrants the fraudulent entry narrative reason. The Board concluded that the discharged received was appropriate. Furthermore, the applicant's request for a change of reentry code to allow for re-enlistment could not be supported due to current policies. Under DoDI 6130.03, Medical Standards for Appointment, Enlistment, or Induction in the Military Services, under Learning, Psychiatric, and Behavioral Condition, the applicant's reported history of mental health conditions or disorders prior to and during service are considered disqualifying conditions for induction into

military service.

### **LIBERAL CONSIDERATION:**

Liberal consideration does not apply this applicant's request. The applicant was discharged with an Entry Level Separation due to a mental health condition that existed prior to service (EPTS). The applicant was discharged with three months, nineteen days' time in service due to fraudulent entry.

A review of the applicant's discharge notification revealed the applicant had a pre-service history of "major depressive disorder, adjustment disorder with anxiety; borderline personality disorder; cannabis abuse; panic disorder; generalized anxiety disorder". The applicant's records revealed the applicant denied all drug use prior to service. Further, the applicant did not disclose, and specifically denied, his history of mental health conditions or history of mental health symptoms on his MEPS paperwork, which resulted in his discharge due to fraudulent entry.

For the applicant's awareness, the Discharge Review Board is not the re-entry waiver authority for pre-existing medical conditions.

Based on the available records, no error was found in the applicant's discharge processing.

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 "Entry Level Separation," the narrative reason for separation shall remain "Fraudulent Entry," and the reentry code shall remain "2C." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 05 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://afrbaportal.azurewebsites.us>

Attachment:

Examiner's Brief (Applicant Only)

