

**SUMMARY:**

The applicant was discharged on 29 July 2019 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General Discharge for a Pattern of Misconduct. The applicant appealed for an upgrade of her 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 04 January 2024.

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 indicated that she was suffering from undiagnosed anxiety, ADHD, and Bipolar; disorder at the time of service.

Upon review of the applicant's service record, the Board was not able to find any documentation regarding the discharge. Since the board relies on the presumption of regularity, it concluded the discharge received by the applicant was appropriate. Additionally, based on the available records, there is no evidence that a mental health condition or experience mitigated the pattern of misconduct.

**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 boxes for “other mental health” and “intimate partner violence/domestic violence” on the application. The applicant contended “I was suffering from undiagnosed anxiety, ADHD, and bipolar disorder at the time of my service.”*

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

*A review of the available records revealed the applicant was command referred to Family Advocacy during her time in service and received couples counseling and anger management services. The applicant’s records also revealed the applicant sought received mental health services approximately three months prior to her discharge with reported symptoms of feeling moody and irritable since childhood.*

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 a pattern of misconduct with one year, eight months, ten days’ time in service. The applicant’s discharge package was unavailable for review.*

*The applicant submitted a letter from a civilian psychiatrist indicating she was seen for a one time visit seven days prior to her discharge. The notes of the applicant’s visit were not submitted by the applicant and were not available for review. There is no evidence the applicant was referred off base for psychiatric care in the week prior to her separation or that the applicant requested off base psychiatric care. There is no evidence the applicant reported her off base care to her military provider; there is no evidence the applicant’s military provider diagnosed the applicant with bipolar disorder. A review of the applicant’s records revealed the applicant endorsed symptoms of irritability and a history of anxiety that existed prior to service, although reported to her military provider that her anxiety symptoms have become less intense than pre-service.*

*The applicant submitted a statement to the board stating “I am requesting to have my discharge upgraded to honorable. I was suffering from undiagnosed depression, anxiety, bipolar disorder and ADHD at the time of my service.” A diagnosis, in and of itself, does not mitigate misconduct. Further, the intent of liberal consideration generally excludes misconduct that involves harm to another person.*

4. Does that condition or experience outweigh the discharge?

*Based on the available records, there is no evidence a mental health condition outweighed the applicant’s 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 and found no evidence of inequity or impropriety.

**FINDING:** The DRB voted unanimously to **deny** the applicant’s request to upgrade her 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 "Pattern of Misconduct," and the reentry code shall remain "2B." 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://afrbportal.azurewebsites.us>

Attachment:

Examiner's Brief (Applicant Only)

