

SUMMARY:

The applicant was discharged on 01 June 2021 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 18 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 applicant's record of service included an/ Article 15, a vacation of suspended non-judicial punishment, and multiple Letters of Reprimand. Her misconduct included: Entered a medical facility with covid symptoms noted earlier in the day, without receiving a negative covid test; Behaved with disrespect of a superior commissioned officer by raising her voice and being argumentative over the phone; made a false official statement by stating that the mental health clinic instructed her to report to the ER when she has multiple flashbacks. This direction was found to be unsubstantiated and is considering malingering, with the sole intent of avoiding the alleged work, service, or duty. This also resulted in a Vacation of NJP; reported for duty in an OCP uniform that was not the appropriate size; For the purpose of avoiding extra duty, feigned having flashbacks.

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 did not make any contentions. She checked "PTSD" and "Sexual Assault/Harassment" on the application.

The DRB reviewed the applicant's entire service record and found no evidence of impropriety to warrant an upgrade of the discharge. However, the Board did find evidence of an unsuiting mental health condition in the record. This condition does not mitigate the misconduct but may explain it. The Board determined the narrative reason for separation was inequitable, therefore warrants a change.

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 "PTSD" and "sexual assault/harassment" on the application. The applicant made no other claims or contention on the application. The applicant submitted her rebuttals to her in-service disciplinary actions as evidence in support of her claim.

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

A review of the applicant's in-service medical and mental health records revealed the applicant reported an experience of sexual assault at Davis-Monthan and reported another experience of sexual assault at the installation she requested to be relocated to, Eielson AFB, upon return from her inpatient psychiatric stay in Texas. The applicant's records revealed the applicant exhibited poor coping skills, limited tolerance for stress, and splitting behaviors- asking multiple superiors the same questions until she received the answer she desired. The applicant received the diagnoses, in service, of personality disorder, PTSD, and anxiety disorder.

3. Does that condition or experience actually excuse or mitigate the discharge?

A review of the applicant's DD214 revealed she was discharged with a general character of service due to a pattern of misconduct with one year, four months four days' time in service. The applicant's discharge package was not available for review. A review of the applicant's records revealed she exhibited and endorsed features of a personality disorder during her time in service. The applicant's personality disorder traits likely caused her behavioral and misconduct issues in service and are considered incompatible for military service. Personality disorders and traits are conditions of a developmental nature- they are pervasive, stable, persistent, and often resistant to treatment. This condition may explain the applicant's misconduct, but it does not mitigate the misconduct. There is evidence the applicant reported her experience(s) of sexual assault in service and received an expedited PCS per her request. The applicant's in service mental health provider recommended the applicant for administrative separation based on her diagnosis of personality disorder, and although the provider acknowledged the applicant may have some symptoms of PTSD, the results of comprehensive testing, multiple provider interviews and provider opinions from the applicant's admissions to multiple facilities corroborated the mental health clinic's findings that the applicant's maladaptive behaviors were likely due to her personality disorder.

4. Does that condition or experience outweigh the discharge?

Based on review of the applicant's records, the applicant's mental health conditions and experiences were known and fully considered by the applicant's command during the discharge process.

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 and to change the reentry code. However, it voted unanimously to *approve* a change to 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 proper and equitable. Therefore, the awarded characterization of service shall remain “General,” the narrative reason for separation shall change to “Condition, Not a Disability,” and the reentry code shall remain “2B.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 19 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)

