

**SUMMARY:**

The applicant was discharged on 28 January 2021 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 their discharge characterization, a change to the discharge narrative reason, and a change to the reentry code.

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 multiple Letters of Reprimand, multiple Letters of Counseling, and a Letter of Admonishment. Their misconduct included: failure to report to work on time; unlawful assault, failure to report to your scheduled medical appointment; failure to notify the section chief for late arrival; failure to go to a flight all-call; failure to perform the proper disarm and turn-in procedures; and a failure of a physical fitness assessment.

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 requested an upgrade in their discharge and narrative reason. They stated that they had various stress factors, such as domestic violence and an unsupportive work environment, that, over time, led to a formal diagnosis of depression and anxiety. They asserted that these mental health conditions were part of the sequence of events that ultimately led to their notice of discharge.

The DRB found no evidence of impropriety or inequity that would warrant an upgrade to the discharge. The applicant also did not produce any evidence in this regard. The board did find a pattern of misconduct spanning over 24 months. Notably the command provided plentiful support and time for rehabilitation to the applicant. Despite prior misconduct, the command opted for quality force management tools for discipline that were corrective in nature, not punitive. Therefore, the DRB found that the discharge received was appropriate.

**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 Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (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 his spouse had an affair and he experienced physical violence from her after he was expelled from the home.*

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

*The applicant stated in his personal statement that he sought mental health services after he was notified of discharge a week before his planned permanent change of station (PCS). A review of the applicant's records revealed the applicant sought and received mental health services from both the mental health clinic and Behavioral Health Optimization Program (BHOP) providers during his time in service. A review of the applicant's records revealed the applicant reported symptoms of depression that existed in childhood and later reported symptoms of anxiety and intermittent panic related to relational problems with his spouse.*

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 infraction) with three years, two months, nine days time in service. A review of the applicant's discharge package revealed the applicant responded to his disciplinary actions to inform command that he had difficulty managing his time and responsibilities in the context of relationship problems. The records revealed the applicant described symptom development (anxiety, depressed mood) in response to relational stressors, and difficulty coping with these stressors contributed to additional occupational and legal problems. There is no evidence a mental health condition caused the misconduct(s) that led to the applicant's discharge. There is evidence the applicant exhibited and endorsed difficulty adjusting to the military lifestyle and poor coping skills which may explain the applicant's misconduct but it does not constitute a mitigating mental health condition and does not mitigate the misconduct(s) that led to the applicant's discharge.*

4. Does that condition or experience outweigh the discharge?

*Because the applicant's discharge is not mitigated, it 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 their 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 to "Misconduct (Minor Infractions)," and the reentry code shall remain to "2B." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 24 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)

