

**SUMMARY:** The applicant was discharged on 22 May 2013 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions (General) discharge and narrative reason of Secretarial Authority. The applicant appealed for an upgrade of her discharge characterization and a change to the reentry code.

The applicant was represented by counsel.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, via video teleconference using Zoom on 31 January 2024. No witnesses were present to testify on the applicant's behalf.

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 a Conviction at a Summary Court Martial for Wrongfully consuming alcohol 8 hours prior to duty; Wrongfully consuming alcohol 8 hours prior to handling a firearm while on duty, Physically controlling a government motor vehicle while concentration in her breath exceeded .08 grams of alcohol; Drunk while on post, and Failure to go to her appointed place of duty; a Letter of Reprimand for Violating a lawful order prohibiting use of cell phone while on duty; and a Letter of Counseling for Violating dormitory standards, leaving common area in disarray, and littered with beer bottles.

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 contends that her discharge was inequitable and improper. Through counsel, she points out that her experienced Military Sexual Trauma (MST) directly led to her PTSD, major depression disorder, and panic disorder symptoms. This trauma brought on the development of alcohol dependency as a coping mechanism, directly linking to the alcohol related incident. The applicant and her counsel maintain that her discharge was inequitable pointing to changes in current policies and procedures, and that members facing similar experiences today are afforded more rights and MST assistance.

The DRB notes that after reviewing the record, there was no evidence of impropriety or inequity in the discharge process. The applicant's command provided ample support by employing resources such as ADAPT, in patient rehab, and a military psychologist to address the applicant's trauma. However, under

liberal consideration, a correlation can be found between the applicant's alcohol dependency due to MST during service that led to the alcohol-related incident.

### **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 through her legal counsel contends she was sexually assaulted in September 2011 by a fellow airman in her dorm room. Immediately following the assault or military sexual trauma (MST), she began struggling with clinically significant PTSD, Panic Disorder, and MDD symptoms and developed alcohol dependency following her MST as a way to cope with her trauma. Her legal counsel asserts she reported her assault to the Sexual Assault Response Coordinator (SARC) on 02 October 2011 which was initially restricted and converted to unrestricted several days later triggering an investigation by the Air Force Office of Special Investigations (AFOSI). In May 2013, she was discharged from service for committing serious offenses which were alcohol-related.*

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

*There is no evidence or records the applicant was diagnosed with PTSD, Panic Disorder, or MDD during her military service. There is, however, evidence she had symptoms of anxiety, depression, and PTSD during service. She met with a medical provider on 27 February 2013 requesting medications for nightmares caused by "a lot of issues of her past"; her past issues were not clarified in the treatment notes and no report of these issues were sexual assault or MST but is possibly related to this experience. She was not given a diagnosis of PTSD but Adjustment Disorder with Anxiety, most likely because there were not enough symptoms present or endorsed to meet the diagnostic criteria for PTSD. Her provider reported she had PTSD symptoms and recommended she receive Cognitive-Behavioral Therapy (CBT) for anxiety and PTSD. There are no records she received CBT or other psychotherapy treatment for PTSD as recommended. She was prescribed psychotropic medication by the provider for her depressive and PTSD symptoms. The applicant received treatment at an inpatient recovery center sometime between January and February 2013 and transitioned to outpatient treatment with ADAPT from 13 February 2013 to 22 May 2013 for alcohol dependency.*

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

*The applicant's sexual assault was reported to have occurred in September 2011. Her service treatment records reflected she received mental health and alcohol abuse/dependency treatment after this time frame. Although not clarified in her treatment records, there is evidence she reported having nightmares, PTSD symptoms, anxiety, and depressive symptoms caused by vague past issues that were possibly her MST. Her documented misconduct problems also began after her sexual assault in 2011. There is a noticeable behavioral change following her sexual assault. From the available records, it is possible and compelling*

*that the applicant had coped with her sexual assault with alcohol eventually causing her to engage in alcohol-related misconduct as contended. Therefore, her mental health condition developed from her MST experience excuses and mitigates her discharge.*

4. Does that condition or experience outweigh the discharge?

*Since the applicant's mental health condition developed from her MST excuses and mitigates her discharge, her mental health condition would also outweigh her original discharge to support her request for an upgrade of her 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 2-1 to **approve** the applicant's request to upgrade her discharge characterization to Honorable.

Should the applicant wish to appeal this decision, the applicant must seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

**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. However, under Liberal Consideration the Board will award characterization of service to "Honorable," the narrative reason for separation shall remain "Secretarial Authority," and the reentry code shall remain "2C." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 19 Feb 2024. If desired, the applicant can request a list of the Board members and her 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)