

SUMMARY:

The applicant was discharged on 15 January 2020 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.

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 25 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 Article 15s, A Suspension of Driving Privileges, a Letter of Reprimand, and a Letter of Counseling. Their misconduct included: Failures to go (2x); Failure to provide a breath test sample, and possession of a bladed article in a public place; Drunk and Disorderly.

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 their discharge was inequitable and improper asserting that during the relevant period, they experienced significant mental distress and lacked a support system to confide in. They say that their attempts to seek assistance were not met with the seriousness they needed, and communication with their chain of command proved challenging.

The DRB observes that the member's record exhibits a pattern of recurring disciplinary actions despite the command's extensive support and rehabilitation efforts, which proved unsuccessful. Notably, discrepancies were identified between the applicant's account of a supportive environment for mental health and their post-service record. It was also noted that there were discrepancies between the applicant's account and their record after service. During a review of their medical records, the applicant reported to providers that they felt his command was supportive of them receiving mental health services. Ultimately, the Board found no impropriety or inequity in the discharge.

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 box for "other mental health" on the application. The applicant contended "At the time I was going through a lot mentally and had no one to talk to. When trying to reach out for help I [was] taken as I was joking although I was really serious and help mentally. My chain of command wasn't easy to go to and show a weakness in my eyes and from my experience. I do apologize for my reaction."

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

A review of the applicant's in-service records revealed the applicant sought and received mental health services during his time in service. The applicant reported symptoms of feeling heartbroken over the dissolution of his marriage, worry, pre-service traumatic experiences, and desire to improve his coping skills. The applicant received the diagnoses, in service, problem related to primary support group and unspecified depressive disorder.

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 an under other than honorable conditions character of service in lieu of trial by court martial with eight years, one month, six days' time in service. A review of the evidence the applicant submitted revealed the applicant requested a Chapter discharge in lieu of a court martial; the applicant submitted a memorandum from his Area Defense Counsel that the applicant "voluntarily left the Air Force in exchange for all charges and specifications being dismissed against him." The applicant's enlisted performance reports (EPRs) prior to his investigation revealed the applicant's performance was above average and superior at times. A review of the applicant's medical and mental health records revealed the applicant denied any mental health conditions and declined referrals until he came under investigation. The applicant reported symptoms of anxiety and depression related to ongoing marital issues, upcoming divorce, and pending court martial. The applicant also revealed to providers an extensive preservice history of self-injurious behaviors and two incidences of suicidal ideation during his time in service for which he did not seek or desire mental health services.

The applicant stated in his application to the board he was "going through a lot mentally" but did not describe what this meant, did not provide details of any symptoms, and did not provide any other information or records regarding his contended mental health condition. A review of the applicant's in-service records revealed the applicant sought and received mental health services during his time in service. The applicant reported symptoms of feeling heartbroken over the dissolution of his marriage, worry, pre-service traumatic experiences, and desire to improve his coping skills. The applicant's records indicate the applicant reported to providers he felt his command was supportive of him receiving mental health services and reported symptoms resolution prior to his PCS. The applicant engaged with mental health services again briefly prior to his separation reporting worry and low mood related to his disciplinary proceedings. Based on the available records the applicant described symptom development in response to relational

stressors and difficulty coping with 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.

4. Does that condition or experience outweigh the discharge?

Because the applicant's discharge is not mitigated, the applicant's discharge is also not outweighed.

FINDING: The DRB voted unanimously to **deny** the applicant's request to upgrade the 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 "Misconduct (Minor Infractions)," and the reentry code shall remain to "4H." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 05 February 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)

