

**SUMMARY:**

The applicant was discharged on 04 August 2014 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 29 February 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 contends that his time in service was honorable. He stated that even though he had minor infractions, he did his job to the best of his ability. The applicant attested that he was diagnosed with severe depression and anxiety disorder due to his time in service. He wrote in his application that he voiced his conditions, but he was dismissed most of the time, however he still did his job until he was removed from service.

The DRB thoroughly examined the member's detailed account of his military service, particularly emphasizing mental health aspects. However, the applicant failed to provide any proof to support his allegations of injustice. During the review of the records, the DRB observed that the command provided ample assistance and time for rehabilitation. Contrary to the applicant's assertion, the command ensured support by using tools such as treatment plans for the applicant and his family and a therapy management class. While acknowledging the challenges of marital and work stress, the applicant's leadership ensured the availability of resources that could assist the applicant with work and home life stressors. Based on the assistance provided to the applicant, the board concluded that the discharge received by the applicant 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 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 box for "other mental health" on the application. The applicant contended "I feel my time in service was honorable. Besides minor infractions, I did my job to the best of my ability. During my time in service my depression was put on the sideline due to the mission coming first. And due to lack of acknowledgment by senior leadership, I was officially diagnosed with severe depression and anxiety disorder due to my time service. I voiced this during my service but most of the time was dismissed. Despite this, I still did my job but was removed in 2014, I am 100% P&T service connected, 70% of which is major depressive disorder with anxious distress."*

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

*A review of the applicant's records revealed the applicant reported symptoms of difficulty sleeping to his primary care provider and was given medication. The applicant's records revealed the applicant stopped taking the medication after several doses and did not continue to follow up, nor did he continue to report difficulty with sleep. The applicant's records also revealed he was command referred to the Family Advocacy Program (FAP) due to allegations of domestic abuse during his time in service and participated in couples therapy as part of the resolution of his FAP treatment plan. The applicant's records also revealed the applicant endorsed symptoms of anger and inability to cope with frustration and was referred to anger management on multiple occasions but declined further participation after attending one session. The applicant's records indicated he received the diagnosis of adjustment disorder during his time in service.*

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 infractions) with four years, three months, twenty nine days time in service. A review of the applicant's available records revealed the applicant had at least five documented misconducts during his time in service. A review of the applicant's available medical records revealed the applicant initially denied mental health symptoms during pre and post deployment screenings. The applicant returned to the mental health clinic, according to the applicant's records, and reported he had long standing issues with anger management and difficulty sleeping at times but did not believe that therapy or mental health services would assist. The records revealed the applicant described symptom development in response to marital stressors and difficulty coping with his marital stressors contributed to additional occupational problems. There is no evidence a mental health condition caused the misconduct that led to the applicant's discharge.*

*The applicant submitted his VA rating as evidence in support of his claim. Regarding the applicant's concurrence with his VA rating, the VA, operating under a different set of laws than the military, is empowered to offer compensation for any medical or mental health condition with an established nexus to military service, without regard to its impact on a member's fitness to serve, the narrative reason for release*

*from service, or the length of time that has transpired since the date of discharge. The VA may also conduct periodic reevaluations for the purpose of adjusting the disability rating as the level of impairment from a given condition may improve or worsen over the life of the veteran. At the “snapshot in time” of the applicant’s service, there is no evidence the applicant had a mental health condition that caused or mitigated the misconduct which led to the applicant’s discharge.*

4. Does that condition or experience outweigh the discharge?

*Because the applicant’s discharge is not mitigated or excused by a mental health condition, his discharge 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 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 the 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, he must first exercise his 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 “2B.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 5 March 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)

