

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

SUMMARY:

The applicant was discharged on 25 April 2016 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 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 29 February 2024. The applicant was not represented by counsel.

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 Memorandum for Record. Misconduct included: Disrespectful Conduct to Direct Supervisor, A Hit and Run, Disobeying a Direct Order 2x, Failure to Pass Dorm Inspections, Failure to Meet Minimum Standard For A Physical Fitness Assessment; And Failure to Obey Regulations 2x.

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 treatment and discharge from the military were unjust and unfair. They were not given proper mentoring or rehabilitation, and their leadership's behavior was discriminatory. Their sustained mistreatment resulted in a decline in their mental health. Despite these challenges, the applicant states they continue to excel at work, completing multiple training courses, receiving Dorm of the Quarter accolades, and being recognized with two quality assessment awards. Although the applicant had numerous writeups, there were no repeat infractions.

The DRB recognized that the applicant's history reveals a consistent pattern of misconduct throughout their career. Though there are no repeat infractions, there was an ongoing trend of disregard for the rules and regulations. The DRB took note of the applicant's conduct during service as documented by their performance reports, awards, decorations, and other accomplishments. The DRB found that the seriousness of the applicant's willful misconduct offset the positive aspects of their service. During the review of the records, the DRB observed that the command provided ample assistance and time for rehabilitation. Letters of Reprimands are quality force management tools for discipline and are corrective in nature. Thus, the applicant had ample opportunities provided by the chain of command after the initial offense to put

themselves in line with leadership expectation of proper conduct. Though the applicant did provide evidence it did not demonstrate how a mental health condition led to their misconduct. Ultimately, 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, 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 contended "During my time in service, I repeatedly experienced hazing and harassment from multiple members of leadership. When I would bring up the harassment that I was enduring by members of leadership, those above them would simply have a conversations with that person and the harassment and hazing would continue. I was constantly made to do things while I was actively working or studying while other Airmen of the same rank were sitting around playing on their phones. I was also made to clean the 14th Fighter Squadron and hangars by myself despite nobody having to do so before. During this time my mental health began to drastically decline, so I tried to receive counseling. However, I did not have time to continue sessions while in service due to my schedule constantly changing and lack of adequate rest."

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

A review of the available records revealed the applicant was seen in the mental health clinic for one session at the urging of her first sergeant. The records revealed the applicant was seeking early separation by any means possible, desiring to return home to be closer to her family, along with dissatisfaction with her career field and her job duties and feeling as though they were not advancing her goal of going to school. The applicant's records revealed the provider informed the applicant she did not meet criteria for any mental health diagnoses and would not be referred for early separation from a mental health perspective. The applicant's records reflected that she no-showed for scheduled follow-up appointment but continued to attend other scheduled medical appointments.

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 service characterization due to a pattern of misconduct with two years, seven months, twenty-three days time in service. The applicant's discharge package revealed the applicant received two Memorandums for Record, four Letters of Reprimand, one Letter of Counseling, and a Referral Enlisted performance reported in a sixteen month timeframe. The applicant made no claim or contention that a mental health condition caused or substantially contributed to the misconduct(s) that led to the applicant's discharge. Further, it is unlikely that a mental health condition would cause or mitigate the misconducts reflected in the applicant's records including fleeing the scene of accident, not having car insurance, reporting for duty with fingernails out of regulation,

The applicant contended “when the discussion of discharge came up with my commander at the time, I requested to be discharged due to mental health, the lack of support from leadership and the lack of accountability given to leadership.” A review of the applicant’s records revealed the applicant presented to the mental health clinic voluntarily and was informed by the provider that she did not meet criteria for any mental health diagnoses and would not be referred for early separation from a mental health perspective. Regarding the applicant’s contention of harassment and hazing, The applicant did not provide any clarifying information or testimony regarding this claim, such as when it happened or the impact, other than she had a decline in her mental health but was too busy to seek mental health services. A review of the applicant’s records revealed the applicant stated in her response to her letter of reprimand dated 3 December 2014 “SSgt Colby is the only NCO that has constantly been giving me problems. He has repeatedly approached me in a disrespectful and sarcastic manner. There has been another NCO that has witnessed SSgt Colby approach me in a disrespectful and aggressive manner, as well as wrongfully pulled rank. When SSgt Colby was confronted about it, it changed for about two or three days then returned to normal.” There is no evidence of a nexus between the discord reported in the applicant’s rebuttal and misconducts that led to her discharge. The applicant’s mental health records revealed the applicant denied any problems with her command or leadership during her mental health evaluation. The applicant made it known she was dissatisfied with her career field, her job, and her duty station and wanted out of the Air Force.

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 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 or excused, the applicant’s 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 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 “Pattern of Misconduct,” and the reentry code shall remain “2B.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 8 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)