

SUMMARY:

The applicant was discharged on 21 August 2017 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 20 March 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 Article 15s, and Multiple Letters of Reprimand. Their misconduct included: Willfully damaging property at less than \$500.00, dereliction of duty, larceny valued at less than \$500.00, and making a false statement to a Noncommissioned Officer

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 requests an upgrade in all the categories except the reentry code. The applicant states that during their deployment in Afghanistan, they were exposed to stressful and traumatic events that led to their PTSD. This experience affected their daily life, relationships, and ability to reintegrate into civilian life. Despite that, they actively sought treatment, engaged in therapy, and strived to contribute to their community after they were discharged from the military. They are requesting that their discharge status changed to honorable based on their service-connected post-traumatic stress.

The DRB reviewed the applicant's entire record and identified a consistent pattern of misconduct during their service. While the applicant attributes their PTSD to post-deployment experiences, the majority of their misconduct occurred before symptoms were reported. Despite providing evidence, the applicant did not establish a clear link between their potential mental health condition and prior 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 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 of "PTSD" on the application. The applicant contended "during my deployment to Bagram Airfield in Afghanistan, I was exposed to highly stressful and traumatic events that led to the development of PTSD. The impact of these experiences on my mental well-being has been substantial, affecting my daily-life, relationships, and ability to reintegrate into civilian society."

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

A review of the applicant's records revealed the applicant was seen in the mental health clinic after his early return from deployment (due to misconduct). The applicant's records revealed his symptoms were primarily related to legal and occupational stressors incurred from his misconduct and investigations and reported symptoms of difficulty sleeping, irritability, anxiety. The applicant's records revealed the applicant received the diagnosis, in service of adjustment disorder.

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

A review of the applicant's DD214, Certificate of Release or Discharge from Active Duty, revealed the applicant was discharged with a general character of service due to misconduct (minor infractions) with four years, seven months, twenty-one days time in service.

The applicant contended he developed PTSD in response to his deployment. A review of the applicant's in-service records revealed no nexus between the applicant's misconducts and his contended mental health conditions. The applicant's misconduct occurred prior to his deployment, stealing and damaging government property, and although one of his two Article 15s was investigated upon his early return from deployment (due to misconduct and disagreements with his supervisor at the deployed location) the misconduct the resulted in the second article 15 occurred prior to the applicant's deployment. Further, the applicant's records exhibit a pattern of making false statements in addition to his other misconduct that has no nexus to a mental health condition.

The records revealed the applicant described symptom development to mental health providers upon return from his deployment. The applicant's records revealed his symptoms were primarily related to legal and occupational stressors incurred from his misconduct. There is no evidence a mental health condition caused the misconduct(s) that led to the applicant's discharge.

The applicant submitted his Department of Veteran's Affairs (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 a mental health condition caused or mitigated the misconduct(s) which led to the applicant’s discharge.

4. Does that condition or experience outweigh the discharge?

Because the discharge is not mitigated or excused by a mental health condition, 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 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 “Misconduct (Minor Infractions),” and the reentry code shall remain “2B.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 2 April 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)

