

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2023-00558
<p>SUMMARY: The Applicant was discharged on 31 January 2012 in accordance with Air Force Instruction 36-3208, <i>Administrative Separation of Airmen</i>, with a General Discharge for 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.</p> <p>The Applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using Zoom on 07 May 2024. No witnesses were present to testify on the Applicant's behalf.</p> <p>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.</p> <p>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.</p> <p>The documentary evidence the Board considered as part of the review includes but is not limited to the DD Form 293, <i>Application for the Review of Discharge from the Armed Forces of the United States</i>, 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.</p> <p>The Applicant requested a review of their discharge due to the circumstances surrounding their separation. They stated they were discharged for stealing a shuttle while under the influence. They explained they have since sought support from the Veterans Affairs (VA) and were diagnosed with post-traumatic stress disorder (PTSD) and alcohol use disorder, conditions developed during their deployments. The Applicant testified during their personal appearance to the Board, that after their discharge, they attended a VA substance abuse group therapy, where connecting with other veterans and sharing experiences helped them recognize that many of their behaviors were linked to their PTSD. They understood that their misconduct occurred during a mental breakdown caused by back-to-back deployments. They have since made efforts to improve themselves by furthering their educational and personal development, completing their bachelor's and master's degrees. They are now working in healthcare data development. The Applicant submitted their bachelor's and master's degrees and VA records as evidence to support their claim.</p> <p>The DRB found that the Applicant was discharged after stealing a hotel shuttle while under the influence, striking four vehicles in a neighboring parking lot, and fleeing the scene. The DRB was pleased to see the Applicant's success since leaving the Air Force. However, the Board determined that the Applicant's lack of candor during their testimony and the severity of their willful misconduct could not be mitigated. The Board found no evidence of impropriety or inequity to warrant any changes to the discharge.</p> <p>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)</p>	

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 “PTSD” on the application. The Applicant contended (in part) “the experiences during my deployment had a profound impact on my mental well-being and I now understand that my behavior was a manifestation of the struggles I was facing as I readjusting to life back in the United States.”

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

There is no evidence the Applicant sought or received any mental health treatment during his time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant features of PTSD, or any other mental health condition, during his time in service. There is no evidence or records to substantiate the Applicant’s contention that he developed PTSD during his time in service. The Applicant’s records revealed he was command referred to ADAPT subsequent to his alcohol related misconduct incident and completed alcohol education session 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 with two years, ten months, fourteen days’ time in service. The Applicant’s records indicated the Applicant stole a hotel shuttle while under the influence of alcohol, struck four vehicles in an adjoining parking lot, the fled the scene of the accident. A review of the Applicant’s previous request to the Board revealed the Applicant did not make any mental health contentions and the Board found the seriousness of the Applicant’s misconduct was sufficient basis for discharge. The Applicant contends that “my actions on the night of my discharge were a direct result of the unresolved trauma and psychological distress I was experiencing due to my deployment.” A review of the Applicant’s records revealed the Applicant’s maladaptive substance use began prior to his time in service, and prior to his deployments. A review of the Applicant’s records did not reveal any evidence or clinically significant indicators of PTSD or any mental health condition during his time in service; further, the Applicant denied mental health symptoms on his pre and post deployment screenings and his annual preventions screenings. The Applicant also denied maladaptive alcohol use subsequent to his command directed referral to substance use services following his alcohol related misconduct. There is no evidence a mental health condition caused or substantially contributed to the misconduct that led to the Applicant’s discharge.

The Applicant submitted select VA records and his rating as evidence in support of his contention. Based on the available evidence and records, the Applicant’s mental health condition as likely as not developed post-service. 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(s) which 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.

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 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. Therefore, the awarded characterization of service shall remain "General," the narrative reason for separation shall remain "Misconduct," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 16 June 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)