

SUMMARY:

The applicant was discharged on 23 September 2016 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Entry Level Separation (ELS) for Erroneous Entry. The applicant appealed for an upgrade to their 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 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 requested an upgrade to their reentry code to allow them to enlist with the U.S. Navy. They contest that they were never evaluated or received treatment for their sleepwalking during their time of service but were discharged from the Air Force due to this disqualifying factor. After service, the applicant stated they had been reevaluated and medically cleared by their medical team. The applicant provided a letter attesting that the applicant no longer suffered from any sleepwalking episodes or symptoms. The applicant also received a note from their doctor writing that the applicant had not received medication for their Attention Deficit Hyperactivity Disorder (ADHD) since 2015, clearing them for military service.

The DRB recognized the applicant did not contest that there was any impropriety or inequity in their discharge. However, it should be noted that the applicant voluntarily disclosed two medically disqualifying conditions, sleepwalking, and ADHD, to the medical team, which initiated their separation process. The DRB performed a complete medical review, which that found that if only the ADHD condition was present, then the Board could offer relief. However, there was not enough evidence for the second condition of sleepwalking to show that it had been fully evaluated and that the applicant no longer suffers from the condition that resulted in their ultimate discharge to warrant an upgrade in their reentry code.

The DRB also noted that though the applicant did not request for their uncharacterized Entry Level Separation to be "upgraded" to Honorable, the applicant would not be eligible for that upgrade. An upgrade to Honorable would violate current Air Force policy in accordance with Air Force Instruction 36-3208, which states Airmen are in entry level status during the first 180-days of continuous active military service and if a separation action is initiated during this time, they will receive an entry level separation without service

characterization.

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 contended "I was discharged from the Air Force due to sleepwalking, I was never evaluated or received any treatment. I want to re-enlist into the Navy. I am medically cleared."

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

The applicant contended he was never evaluated or treated during his time in service. A review of the available records revealed the applicant declined evaluation until his command made a decision about his ability to remain in the Air Force based upon his test failures. The applicant's records revealed the applicant did not wish to remain in the Air Force but was not recommended for separation by his leadership due to test failures at which time the applicant was evaluated by medical providers for his pre-service condition of sleepwalking, which was found to be disqualifying for military service per DoDI 6130.03.

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

A review of the applicant's DD214 revealed the applicant received an uncharacterized, entry level separation due to erroneous entry with five months, five days time in service.

The applicant contended "I was never evaluated or received any treatment." A review of the available records revealed the applicant declined evaluation or treatment during his time a service. The applicant records reflect the applicant had five academic failures during his time in basic training and was referred involuntarily to Behavior Analysis Service, to which he declined, making known to his commander and providers his preference for an ELS discharge and stating on many occasions that he does not want to remain in the Air Force.

The applicant contended "I want to re-enlist into the Navy. I am medically cleared." The applicant submitted a two post-service statements from civilian providers. The Discharge Review Board is not the waiver authority for re-entry and will not opine on the applicant's current fitness for military service. The applicant was discharged due to erroneous entry, at the "snapshot in time" of the applicant's service the applicant's records revealed the applicant exhibited and endorsed symptoms of a mental health condition and sleepwalking that impaired his ability to effectively perform his military duties. Further, the applicant made it known he did not desire to continue his military training. There is no evidence the applicant's discharge was improper or did not follow the requirements of Entry Level Separation IAW 36-3208.

4. Does that condition or experience outweigh the discharge?

There is no evidence the applicant's discharge was improper or did not follow the requirements of Entry Level Separation IAW 36-3208. The applicant did not complete the entry level status of 180 days of service as detailed in AFI 36-3208, thus the characterization of the applicant's service was appropriately deemed as uncharacterized and is not outweighed by a mental health condition.

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 "Entry Level Separation," the narrative reason for separation shall remain "Erroneous Entry," and the reentry code shall remain "2C." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 17 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)