

**SUMMARY:**

The applicant was discharged on 09 December 2021 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with a General Discharge for Misconduct (Serious Offense). 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 04 April 2024. The applicant was 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 an Article 15. Her misconduct included missing a mandatory movement.

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 was discharged after refusing to deploy from her home station to another Continental United States (CONUS) base. She refused due to a concern being away from family would be bad for her mental health. In her application, the applicant attributes her refusal to an undiagnosed mental health condition. She submitted medical records to support her contention.

The applicant did not specify whether he believed his discharge was improper, inequitable, or both. In such cases, the Board examines an application on the basis of equity alone. DODI 1332.28, *Discharge Review Board (DRB) Procedures and Standards*, E3.5.1.3.5.

The applicant provides no facts or evidence supporting her claim that her discharge should be upgraded aside from her mental health records. After considering the equitable factors provided in DODI 1332.28, E4.3, the Board determined that none of the delineated equitable factors supported relief, particularly given the applicant's mere eight months of service and the gravity of her misconduct.

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.

**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 for “other mental health” on the application. The applicant contended “failed to deploy due to undiagnosed mental health issues which resulted in disciplinary actions.”*

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

*A review of the available records revealed the applicant sought and received mental health services during her time in service and received the diagnosis of adjustment disorder. A review of the applicant’s medical records revealed the applicant expressed regret for joining the military and difficulty adjusting to the military lifestyle but did not want mental health services to assist with acclimation and insisted that separation from the military was the only remedy she would consider.*

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 (serious offense) with ten months, fourteen days time in service. A review of the available records revealed the applicant made both her regret for joining the Air Force and the mental distress caused by this regret known to command and mental health providers during her time in service. A review of the applicant’s discharge package, including the legal review, revealed the command considered the applicant’s mental health condition in the context of her misconduct and rendered the following opinion: “once medical diagnosed her with an adjustment disorder and noted her desire to be separated outweighs any desire for treatment or resolution of her distress at being in the military, 97 LRS/CC determined separation should be initiated. The Respondent made it clear she is determined no counseling or discipline should be expected to change her refusal to serve in a deployed environment. Respondent has rejected our core value of service before self.” The applicant’s discharge package also revealed the command found the applicant’s “mental health diagnosis of her Adjustment Disorder is mitigating when weighing the nature and quality of the Respondent’s misconduct and he recommends and Under Honorable Conditions (General) service characterization.” In the applicant’s response to Article 15 Action the applicant stated “I take pride in my work and have a level of integrity and respect that is not all that common these days. However, my family takes priority and that simply does not align with mission I was tasked with. The recent separation from my husband and children has had a very powerful and negative effect on my emotional and mental stability and I am no longer the determined, strong willed 39-year-old wife and mother six who enlisted 8 months ago.”*

*There is evidence the applicant exhibited and endorsed difficulty adjusting to the military lifestyle and poor coping skills, resulting in her in service diagnosis of adjustment disorder, which may explain the applicant's misconduct but does not further mitigate the applicant's willful misconduct that led to her discharge characterization after consideration from the applicant's command at the time of her discharge processing. No records or testimony was submitted by the applicant regarding her claim that she had undiagnosed mental health issues; no clarifying information, timeline, symptoms, or statements about the impact of the applicant's claimed undiagnosed mental health on her ability of the applicant to perform her duties. A review of the available records revealed the applicant received the diagnosis of adjustment disorder during her time in service.*

4. Does that condition or experience outweigh the discharge?

*Based on review of the applicant's records, the applicant's mental health conditions were known and fully considered by the applicant's command during the discharge process. No impropriety was found in review of the applicant's records; thus the applicant's discharge is not outweighed.*

**FINDING:** The DRB voted unanimously to *deny* the applicant's request to upgrade her discharge characterization and to change the discharge narrative reason. The applicant did not request an upgrade to her reentry code, and the DRB voted unanimously to deny an upgrade.

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 (Serious Offense)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 24 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)