

**SUMMARY:**

The applicant was discharged on 27 November 2013 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.

The applicant requested the Board be completed based on a records only review. The Board was conducted on 04 April 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 an Article 15 and multiple Letters of Reprimand. His misconduct included: unlawfully grabbing another airman, bending an airman's arm behind the back, and driving while intoxicated.

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 asked the Board to consider the circumstances of his case, which he claims were influenced by undiagnosed post-traumatic stress disorder (PTSD). The applicant submitted no documents supporting for his claim of PTSD.

The applicant did not specify whether he believed his discharge was improper, inequitable, or both. In such cases, the DRB 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 his claim that his discharge should be upgraded aside from an uncorroborated claim of PTSD. 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 gravity of the applicant's misconduct, which included driving while intoxicated and battery.

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 a claim of a mental health diagnosis, 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 “PTSD” on the application. The applicant contended “I humbly request your kind consideration in reviewing my case, taking into account the circumstances surrounding my actions, were influenced by the challenges I faced due to undiagnosed PTSD.”*

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

*There is no evidence the applicant sought or received any mental health services 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. A review of the applicant’s records revealed the applicant was command referred to the Family Advocacy Program (FAP) during his time in service due to allegations of intimate partner violence. The applicant’s records also revealed the applicant was command referred to the ADAPT program during his time in service subsequent to receiving a DUI.*

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 (minor infractions) with one year, seven months, eighteen days time in service. During the applicant’s brief time in service, the applicant received three documented misconducts including two Letter of Reprimand and an Article 15. A review of the applicant’s disciplinary actions that resulted in his discharge revealed two of the applicant’s misconducts involved harm to other people; misconduct that involves harm to other people is generally excluded from the intent of liberal consideration. Furthermore, there is no evidence or records the applicant exhibited or endorsed any clinically significant indicators of PTSD or any other mental health condition during his time in service. The applicant did not provide any evidence or testimony regarding how his claimed mental health condition of undiagnosed PTSD caused or substantially contributed to the multiple misconducts that led to his discharge. Based on the available records, there is no evidence a mental health condition caused or substantially contributed to any of the misconducts 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.*

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

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 22 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)