

**SUMMARY:**

The applicant was discharged on 03 June 2022 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with a General Discharge for Pattern of 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.

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 a Letter of Counseling. Their misconduct included: Dereliction of Duty, Negligently Failed to Stay Awake During Vehicle Patrol, Disobeying a Direct Order, Violation of the Wing Commander's "Essential Personnel Only" Mandate, Failure to Attend a Mandatory Proficiency Firing Appointment.

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 contests that there was inequity in their discharge process and requests an upgrade to their Reentry code. The applicant states that when they were caught negligently sleeping during vehicle patrol, they were immediately taken to the hospital and diagnosed with severe clinical depression and anxiety, however when discharge the command cited the reason to be "patterns of misconduct". The applicant stated because of this mis-categorization and the General discharge they are unable to use their GI Bill to afford school. They would like an upgrade to access these educational benefits.

The DRB reviewed the applicant's entire service record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge. The applicant's history reveals a consistent pattern of misconduct throughout their career. The applicant failed to establish a clear connection between their mental health condition and how it would mitigate their misconduct. The DRB determined that the severity of the applicant's deliberate misconduct outweighed any positive contributions from their service. The Board understood the applicant's present service characterization renders them ineligible for Department of Veteran Affairs (VA) education benefits. However, this is not a matter of inequity or impropriety which would warrant an upgrade. 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 for "other mental health" on the application. The applicant contended "months before my initial separation I began to suffer from severe depression. I had trouble focusing on anything including work, it go so bad to the point where I didn't want to talk to anyone and started pushing people away. I then lost 6 of my closest family members in a span of 4 months and that made my depression even worse. I got put into a mental hospital after falling asleep on post because of no sleep due to the depression and anxiety. I got diagnosed with clinical depression and anxiety. I went through 3 months of therapy and when that was over I got seperated [sp] due to falling asleep on pos. I am asking for a change in separation[sp] because I believe it was unjust because the trouble I got in was due to my mental illness and with my current separation[sp] I cannot afford to finish school which is my most important goal right now."*

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

*A review of the applicant's records revealed the applicant received mental health services during her time in service including emergency evaluation at a civilian emergency room, outpatient service, and intensive outpatient services. The applicant's records revealed the applicant endorsed symptoms of poor sleep, sadness, and nervousness, due to family problems and family member deaths. The applicant received the diagnosis, in service, of major depressive disorder, mild, with mild anxious distress.*

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 a pattern of misconduct with two years, nine months, eight days time in service. A review of the applicant's discharge package revealed three documented misconducts during her brief time in service including a Letter of Counseling for failing to attend a mandatory appointment, an Article 15 for transporting an unauthorized civilian on to the installation in her car trunk, and an Article 15 for negligently failing to stay awake at her area of responsibility.*

*The applicant's records reflect she was transported for evaluation after contacting her first sergeant regarding her mental health symptoms of poor sleep, sadness, and nervousness, due to family problems and family member deaths. The applicant's records revealed she was referred to a partial hospitalization program but the applicant requested to attend an intensive outpatient program instead so she could prioritize other things. The applicant's request for intensive outpatient services was granted. A review of the applicant's intensive outpatient attendance revealed the applicant was minimally engaged in treatment with*

*multiple absences. The records revealed the applicant described symptom development in response to relational stressors and difficulty coping with stressors. There is evidence the applicant exhibited and endorsed difficulty adjusting to the military lifestyle and poor coping skills which may explain the applicant's misconduct but it does not mitigate the misconduct(s) that led to the applicant's discharge.*

*Based on a review of the applicant's records, the applicant made her mental health symptoms known during her time in service and during her discharge process. There is evidence the applicant's mental health condition was known and fully considered at the time of her discharge.*

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 error was found in review of the applicant's records, thus the applicant's discharge is 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 "Pattern of Misconduct," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 15 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)