

SUMMARY:

The applicant was discharged on 30 Sep 2022 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Entry Level Separation for Erroneous Entry. The applicant appealed for an upgrade of his discharge characterization.

The applicant requested the Board be completed based on a records only review. The Board was conducted on 18 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 reenry 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 argued that he received a post-traumatic stress disorder (PTSD) diagnosis after his entry level separation which caused him issues with functioning in civilian life. He stated that he is unable to work and seeks VA treatment.

The applicant included medical records with his application showing treatment for PTSD with dissociation.

The Board determined to deny the applicant's requests because he failed to present substantial credible evidence that his discharge was inequitable. DODI 1332.28, *Discharge Review Board (DRB) Procedures and Standards*, E3.2.12.6.

LIBERAL CONSIDERATION:

Due to evidence of a mental health diagnosis and/or records documenting that one or more symptoms of mental health conditions 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 "PTSD" on the application. The applicant contended "PTSD diagnosis after discharge. This has caused great issue with me being able to function in civilian life with the addition of crippling anxiety, insomnia and depression furthering the effects of PTSD. Disassociation from PTSD has been a major contributor to my difficulties. I am unable to work in my current state and seeking treatment through the VA."

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

The applicant's records revealed the applicant endorsed symptoms of anxiety during his first week of training and was placed in med hold for the remainder of his time in service. The applicant made it known to military training leaders and medical providers that he did not want to remain in the military and did not wish to pursue a waiver for his symptoms. There is no evidence or records the applicant received the diagnosis of PTSD during his time in service. There is no evidence the applicant exhibited or endorsed any clinically significant indicators of PTSD during his time in service. Based on the available records, during the applicant's second week of Basic Military Training (BMT) the applicant was found to have mental health conditions that existed prior to service (EPTS) and were disqualifying for military service and the applicant was recommended for Entry Level Separation.

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 discharge due to erroneous entry with one month, two days time in service. The applicant's records revealed the applicant endorsed symptoms of anxiety during his first week of training and was placed in med hold for the remainder of his time in service. The applicant made it known to military training leaders and medical providers that he did not want to remain in the military and did not wish to pursue a waiver for his symptoms. The applicant's records revealed the applicant was informed his condition did not meet medical accession standards in accordance with DODI 6130.03 (30Apr21), section 5.28, subsection Q, number 2: "History of anxiety disorders if: (2) Symptomatic or treatment within the last 36 months. The applicant's condition was considered to have existed prior to service (EPTS) and was recommended for entry level separation. EPTS conditions are generally excluded from the intent of liberal consideration. There is evidence the applicant's mental health condition of anxiety caused his discharge, but this does not mitigate or excuse his discharge characterization, narrative reason for separation or re-entry code. 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 mitigated nor excused by a mental health condition.

The applicant submitted select post service mental health records as evidence in support of his claim. A review of the available records revealed the applicant presented to a civilian mental health provider with self report of PTSD and dissociation. Based on the available records, there is no evidence of a nexus between the applicant's post service mental health condition and the undisclosed pre-service mental health condition which resulted in the applicant's entry level separation.

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.

EQUITY ANALYSIS:

The applicant did not submit an issue of propriety, and the Board did not rely upon any such issue in its decision. DODI 1332.28 E3.5.4.

The Board examined the applicant's arguments and evidence under the equity factors found in DODI 1332.28, E4.3. Based on these factors, the Board rejected the applicant's positions on issues of equity. DODI 1332.28 E3.5.6.1.

DODI 1332.28 states that the discharge is presumed equitable. E4.3. The Board must deem a discharge inequitable if there are new policies applicable granting further benefits (E4.3.1), the discharge was inconsistent with standards of discipline (E4.3.2.), or the discharge can now be seen as inequitable even though it was equitable at issuance based on specified factors (E4.3.3).

After reviewing the applicant's records and contentions, the Board determined that the equitable factors in DODI 1332.28 did not favor relief. Further, the applicant requested his uncharacterized Entry Level Separation be upgraded to Honorable. However, this would violate DAFI 36-3211, dated 24 June 2022, which states that airmen are in entry level status during the first 365 days of continuous active military service. If a separation action is initiated during this time, entry level status airmen will receive an entry level separation without service characterization unless the Secretary of the Air Force determines that an "Honorable" characterization is clearly warranted "by unusual circumstances of personal conduct and performance of military duty." DAFI 36-3211 at page 57 (paragraph 3.16.1.2). The applicant presented no evidence of such unusual circumstances. Therefore, the applicant's request to "upgrade" to "Honorable" could not be approved.

The Board also 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.

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

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 "Uncharacterized," 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 13 May 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)