

SUMMARY:

The applicant was discharged on 26 August 2014 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, a change to the discharge narrative reason, and a change to the reentry code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using Zoom on 23 April 2024. No witnesses were present to testify on the applicant's behalf.

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, multiple Letters of Reprimand, and a Letter of Counseling. Their misconduct included: Failure to go (Two times); Dereliction of Duties (Two times); Failure to Report; Provided a False Statement to Senior Noncommissioned Officer; and Failure to Fulfill Financial Obligation.

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 in all aspects of their discharge. They asserted that they had experienced significant stressors during their military service, leading to anxiety, PTSD, and major depression, particularly noting the trauma of witnessing the loss of their direct supervisor. The applicant stated these events had left lasting scars, impairing their ability to function effectively within their unit and personal life. Additionally, they emphasized that they had not received the necessary support and intervention to address many of these stressors.

The DRB acknowledges the applicant makes no impropriety or inequity in their discharge but contends that their mental health at the time should mitigate their misconduct. However, a thorough review of their service record reveals a consistent pattern of misconduct, characterized by disregarding rules, regulations and a tendency to provide inadequate or false statements regarding accountability. It should also be noted, the command did provide several resources to the applicant, including referrals to counseling services from the Family Advocacy program and the Mental Health Office. Unfortunately, it was found that most of these resources were rejected by the applicant, despite their availability and the potential benefits they could have

provided. Ultimately, the Board found 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 boxes for "PTSD" and "other mental health" on the application. The applicant contended "my service in the military was marked by a series of challenges, particularly related to my mental health. While on active duty, I encountered circumstances that led to the development of major depression, anxiety, and post-traumatic stress disorder (PTSD)." The applicant also contended "I made earnest efforts to seek assistance and support for the emotional and psychological burden I was carrying. Unfortunately, my requests for help were met with denial and I was unable to access the necessary care and intervention that my mental health urgently required. This denial further exacerbated my situation and contributed to the deteriorating stated of my mental well-being."

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

Based on a review of the available records, there applicant was command referred to the Family Advocacy program (FAP) during his time in service for allegations of intimate partner violence. The applicant's records reported he received supportive counseling and communication enhancement strategies related to marital discord. The applicant's records revealed the applicant was offered and referred to mental health during his time in service but refused mental health services and opted to remain with the supportive counseling services offered through FAP and did not receive any mental health therapy or intervention during his time in service. The applicant's records revealed the applicant denied any mental health symptoms and declined referrals during his annual physical health screenings. There is no evidence or records the applicant received the diagnosis of PTSD, or any other mental health diagnosis, 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.

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 two years, twenty days' time in service. A review of the applicant's discharge package summarized the applicant's misconducts and reasons for discharge with "respondent has demonstrated a repeated failure to manage his financial affairs and to report to his assigned locations. Additionally, he has demonstrated dishonesty when caught in his mistakes." Included with the discharge package was a "summary of treatment" statement from the applicant's Family Advocacy treatment provider which detailed the applicant was seen for an intake interview subsequent to allegations of maltreatment toward his wife. The provider noted "he has been an active participant in his therapy and

plans to continue” A review of the applicant’s medical records revealed the applicant was referred to mental health but refused services and elected to continue receiving individual supportive therapy through the Family Advocacy Program. The applicant’s medical records revealed the applicant denied any new stressors or symptoms during his annual mental and physical health screening and declined referrals to mental health providers.

The applicant submitted his post-service VA med list and VA rating as evidence in support of his claim. Based on the available evidence and review of the applicant’s in-service and post-service records, the applicant’s mental health condition as likely as not developed post-service. Regarding the applicant’s concurrence with his VA rating and medication list, the VA, operating under a different set of laws than the military, is empowered to offer compensation for any medical or mental health condition with an established nexus to military service, without regard to its impact on a member’s fitness to serve, the narrative reason for release from service, or the length of time that has transpired since the date of discharge. The VA may also conduct periodic reevaluations for the purpose of adjusting the disability rating as the level of impairment from a given condition may improve or worsen over the life of the veteran. At the “snapshot in time” of the applicant’s service, there is no evidence the applicant had a mental health condition that caused or mitigated the misconduct(s) that led to the applicant’s discharge.

4. Does that condition or experience outweigh the discharge?

Because the applicant’s discharge was not mitigated by an in-service mental health condition, the applicant’s discharge is also 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 seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

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 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)

