

**SUMMARY:**

The applicant was discharged on 15 November 2018 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 her 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 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 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, a vacation of suspended non-judicial punishment, multiple Letters of Reprimand, and a Letters of Counseling. Her misconduct included: smoking in her dorm, failing to clean her dorm, lying about a medical appointment, public drunkenness, insubordination, and a PT test failure.

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 claimed that she suffered a sexual assault while in the military. She stated that she drank to cope with the assault and after discharge has been admitted to a mental health facility.

The applicant included documents from the hospital, and a conversation with a former supervisor on social media.

The Board determined to deny the applicant's requests because she failed to present substantial credible evidence that her 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 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,” “other mental health,” and “sexual assault/harassment” on the application. The applicant contended “During my time at RAF Alconbury, I had been sexually assaulted by another Airman. I chose at the time not to file a claim with SARC and that led to heavy drinking problems for coping.”*

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

*A review of the available records revealed the applicant declined mental health services during her time in service. The applicant’s records revealed the applicant was command referred to Alcohol and Drug Abuse Prevention and Treatment (ADAPT) on three separate occasions during her time in service due to alcohol related misconducts. The applicant contended in her request to the board that she experience sexual assault during her time in service but did not report it. The applicant’s medical records revealed the applicant denied any experiences of harm, abuse, mistreatment during her time in service. There is no evidence or records from medical provider, leadership, chaplains, military and family life consultant (MFLC), mental health, substance use providers that the applicant was impacted by her contended experience of sexual assault. The applicant did not provide any clarifying information, context, dates, timelines, or testimony regarding the impact of her contended experience of sexual assault in service.*

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 a pattern of misconduct with two years, eleven months, eight days time in service. The applicant’s contentions are contradictory to the evidence available for review in the applicant’s in-service and post-service records. There is no evidence the applicant sought or received any mental health services during her time in service, there is no evidence the applicant received the diagnosis of PTSD or any other mental health diagnosis during her time in service. The applicant’s substance use treatment records revealed the applicant declined mental health services during her time in service, and reported to ADAPT providers that her maladaptive alcohol use was due her inability to cope with the death of her grandmother and her family of origin issues. The applicant’s records revealed her maladaptive alcohol use existed for the near duration of her time in service. The applicant did not provide any clarifying information about her contended in-service experience of sexual assault and provided one line of testimony in her application. The applicant did not provide any information about the timeline of when the contended experience of sexual assault occurred or the impact the experience had on her ability to perform her duties. It is possible the applicant experienced sexual assault during her time in service, however, the applicant provided selected post service mental health records for review. Based on the available records submitted and the available records for review, the applicant’s experience of sexual assault occurred post service as revealed in the post service records and thus does not excuse nor mitigate in service misconduct.*

#### 4. Does that condition or experience outweigh the discharge?

*Based on a review of the available records, there is no evidence the applicant had a mitigating mental health condition during her time in service; the applicant's post service experiences do not mitigate in-service misconduct. No impropriety was found in a review of the applicant's records, thus the applicant's discharge is not outweighed.*

#### **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 claims 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. The applicant's discharge following a long string of misconduct and progressive discipline from her leadership was consistent with Air Force standards of discipline. The Board considered the statement provided by the applicant from her former supervisor and noted that the supervisor expressed regret at how harshly the applicant was treated. However, the Board was not persuaded by this evidence, because the evidence was not signed, and because the applicant was disciplined by many people in her chain of command. Further, the applicant had no favorable quality of service factors under E4.3.3.1. because her EPR ratings showed average performance, and because the applicant did not present substantial credible evidence supporting her sexual assault claim.

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.

In conclusion, the Board considered that a General (Under Honorable Conditions) characterization is appropriate when "when the positive aspects of the enlisted Service member's conduct or performance of duty outweigh negative aspects of the enlisted Service member's conduct or performance of duty as documented in their service record." DODI 1332.14, *Enlisted Administrative Separations*, at page 30 (paragraph 3(b)(2)(b)). In contrast, an Honorable characterization is appropriate "when the quality of the enlisted Service member's service generally has met the standards of acceptable conduct and performance of duty for military personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate." Id.

The Board concluded that the applicant did not generally meet the standards of acceptable conduct through her recurring misconduct. To be eligible for an Honorable characterization, the service must be so meritorious that a "General" characterization would be clearly inappropriate, and the applicant failed to present "substantial credible evidence" to the contrary. DODI 1332.28 E3.2.12.6.

**FINDING:** The DRB voted unanimously to *deny* the applicant's request to upgrade her 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 "4H." 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)