

SUMMARY:

The applicant was discharged on 10 May 2023 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Entry Level Separation for Entry Level Performance and Conduct. The applicant appealed for an upgrade of her separation 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 multiple Letters of Reprimand. Her misconduct included graffitiing a bus stop, jumping on beds, disrespecting senior non commissioned officers, and punching a bathroom door.

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 upgraded reentry code to reattempt joining the military. She included a copy of her DD-214, volunteer hours, and separation packet. The applicant did not present arguments.

The Board determined that the applicant attempted to present issues of equity, and decided 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 records documenting that one or more symptoms of mental health conditions 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 made no other mental health contentions and did not submit any evidence or testimony related to a mental health condition during her time in service. The applicant contended "I would like the board to grant me an upgraded reentry code so that I might be able to succeed in something I always inspired to be. I greatly desire to become a proud United States service member in a branch where I can contribute my talents to something bigger than myself."

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

There is no evidence the applicant sought or received any mental health treatment during her time in service. There is no evidence or records the applicant exhibited any clinically significant features of a mental health condition during her time 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 an uncharacterized entry level separation due to entry level performance and conduct. A review of the applicant's records revealed the applicant received two Letters of Reprimand during her brief time in service. The applicant stated in her response to discharge notification that the death of her mother prior to her entry into service and the stress of basic military training (BMT) contributed to her misconducts. There is no evidence a mental health condition was the reason for the applicant's discharge from the military. 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 does not mitigate the applicant's discharge. The applicant was discharged due to unsatisfactory entry level performance and conduct; there is no evidence or records that a mental health condition caused or substantially contributed to the misconducts that led to the applicant's discharge.

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, narrative reason for separation and re-entry code of the applicant's service was appropriately deemed as uncharacterized and is not outweighed by a mental health condition.

The applicant requested an upgrade from the board "to grant me an upgraded re-entry code so that I may be able to succeed in something I've always inspired to be." The applicant also request a change to her re-entry code and contended "whatever branch I may be eligible to join after the board's decision I will take all past experiences, from the branch I was in before into consideration to prepare myself better mentally for the bigger tasks that will be handed to me. I would like the opportunity to join a branch to be more than myself, to be truly a part of a team." The Discharge Review Board is not the waiver authority for re-entry and will not opine on the applicant's current fitness for military service. At the "snapshot in time" of the applicant's discharge and considering the totality of the applicant's time in service, there is no evidence the applicant's discharge was improper or did not follow the requirements of Entry Level Separation IAW 36-3208.

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 Board considered the following:

E4.3.1. Existence of new policies:

The Board is unaware of any new policies that would have granted the applicant further benefits, nor did the applicant identify any.

E4.3.2. Consistency with Air Force disciplinary standards:

The applicant's misconduct included three incidents occurring after the applicant had been at BMT for about four weeks. First, the applicant called someone lazy and was written up for arguing with peers and played around. Second, she wrote something on a bus stop next to other preexisting writings. Third, she did sit ups with other trainees after lights out, and allegedly jumped on beds. The day after receiving an LOR for this misconduct, the applicant used unprofessional language and did not display customs and courtesies to two Senior Non-Commissioned Officers (SNCOs). After being reprimanded, she punched a bathroom door. This led to a second LOR. No further reprimands existed in her records.

The Board determined that the applicant's discharge following these incidents was consistent with Air Force disciplinary standards.

E4.3.3. Factors revealing inequity even if discharge was equitable at issuance:

The Board also considered factors that would tend to relief even if the applicant's discharge was equitable at the time of issuance. Specifically, the Board considered the following:

E4.3.3.1: Quality of Service:

The Board considered the applicant's evidence of volunteering during basic training, but determined that this volunteer work did not outweigh her misconduct.

E4.3.3.2: Capability of service:

E4.3.3.2.1: Total capabilities: The applicant submitted many character references, filed in response to her discharge, from her military training instructor and eleven other trainees attesting to her leadership, teamwork, and professionalism. One statement noted that others may have a problem with the applicant, however.

E4.3.3.2.2.: Family and personal problems: The applicant stated that family issues affected her ability to serve satisfactorily. Her mother died shortly before her departure for training. The applicant was close to her mother, and was 20 years old during training. She stated that her inability to speak with her mom for advice contributed to her emotional outburst of punching a door.

The Board determined that these factors did not mitigate the applicant's misconduct, and that the applicant failed to meet her burden to provide substantial credible evidence of an inequity.

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 her reentry code. The applicant did not request an upgrade to her discharge characterization or the discharge narrative reason, 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 "Entry Level Performance and Conduct," 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://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)