

**SUMMARY:** The Applicant was discharged on 26 August 2021 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a Character of Discharge of Under Honorable Conditions (General), a Narrative Reason for Misconduct (Minor Infractions) and a Reentry Code of 2B. The Applicant appealed for an upgrade of their Discharge Characterization.

The Applicant requested the Board conduct an initial record review of their discharge. The Board convened on 09 May 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 Reprimand. His misconduct included disobeying a quarantine order, lying to a noncommissioned officer, using his government travel card for personal expenses, and showing up late to work.

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 a mental health issue mitigated his misconduct. The Applicant explained that while working as a security forces apprentice, he had to pull a gun on someone attempting to illegally enter the base. This was an allegedly traumatic experience which caused him to make bad decisions.

The Applicant stated that he included military records and a Department of Veteran's Affairs (VA) rating decision with his application. However, the application only included a separation health assessment.

The Board determined to deny the Applicant's request because he failed to present substantial credible evidence that his discharge is 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), 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 "requesting a discharge upgrade from general under honorable conditions to an honorable discharge based on mental health issues at that time. These issues began when I was performing my duties as a security forces apprentice."*
2. Did that condition exist/experience occur during military service? *There is no evidence the Applicant sought or received any mental health treatment during his time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant indicators of a mental health condition during his time in service. A review of the Applicant's separation health physical exam and prevention health physical exam revealed the Applicant denied mental health symptoms during his time in service but did endorse financial problems and expressed intent to file for VA compensations upon his discharge.*
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 misconduct (minor infractions) with one year, two months, twenty-five days time in service. The misconducts that led to the Applicant's discharge included failure to comply with an order to quarantine and making a false official statement, misuse of government travel card, arriving late to work and making a false official statement. It is unlikely that a mental health condition caused or would mitigate the misconducts. Further, the Applicant's misconducts of failure to comply with an order to quarantine, misuse of government travel card and multiple instances of making false official statements were pre-meditated and thus excluded from the intent of liberal consideration. There is no evidence a mental health condition caused or substantially contributed to the misconduct(s) that led to the Applicant's discharge. 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 constitute a mitigating mental health condition and does not mitigate the misconduct(s) that led to the Applicant's discharge.*
4. Does that condition or experience outweigh the discharge? *Because the Applicant's discharge is not mitigated nor excused by a mental health condition, the Applicant's discharge is also 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 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. 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 was discharged following two Article 15s and a Letter of Reprimand. The Board determined that the Applicant's punishments and discharge were consistent with Air Force 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. Among other factors, the Board considered the following:

**E4.3.3.1: Quality of Service:**

**E4.3.3.1.1. Service history:** The Applicant had no evaluations given his short service.

**E4.3.3.1.3. Letters of Reprimand:** The Applicant had an LOR for making a false official statement.

**E4.3.3.1.12. Records of nonjudicial punishment:** The Applicant had two Article 15s for using his government travel card for personal expenses and disobeying a quarantine order.

**E4.3.3.2: Capability of service:**

**E4.3.3.2.2.: Family and personal problems:** The Applicant alleges trauma from gate guard duty explains his decision to break quarantine and use his GTC for personal expenses. The Board determined that this incident did not explain the decisions to commit the misconduct with which the Applicant was charged.

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 at least the following factors to be relevant to the Applicant's case:

**6.a. Military custom is to punish to extent necessary and favor second chances:** The Applicant was given progressive discipline but continued his misconduct.

**6.j. Disparate punishments across career fields:** The Board noted that the Applicant was in security forces, which has a reputation for stricter disciplinary enforcement than other career fields. Nonetheless, the Board determined that Applicant's discipline was consistent with discipline in other career fields.

**6.k. Relief is generally more appropriate for nonviolent offenses than for violent offenses:** The Board noted that the Applicant's ARMS records do not record a violent offense.

**7.c. Aggravating and mitigating facts:** The Applicant alleges his poor judgment was the result of trauma on gate guard duty. Based on its mental health review, the Board did not find this allegation credible.

**7.o. Youth:** The Applicant was around 21 years-old at the time of his Article 15s. The Board determined that most 21 year-old Airmen have sufficient judgment to obey orders, refrain from lying, and avoid using their travel cards on personal items.

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 by his frequent 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 the Character of Discharge. The Applicant did not request a change to the discharge Narrative Reason or the Reentry code, and the DRB voted unanimously to *deny* such changes.

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 Character of Discharge shall remain Under Honorable Conditions (General), the Narrative Reason shall remain for Misconduct (Minor Infractions) and the Reentry Code shall remain 2B. The DRB Presiding Officer approved the results on 19 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)

