

SUMMARY: The Applicant was discharged on 30 May 2023 per 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, and a change to the discharge narrative reason.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 03 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 an Article 15 for failure to obey a lawful order by a brigadier general for wrongfully leaving base; Letters of Reprimand (x2) for communicating a verbal threat to another Airman and using profane language towards a noncommissioned officer, and exercising in a fashion not in alignment with their medical profile and duty restrictions; Verbal Counseling for being seen traveling to and from the [redacted] shop with SSgt [redacted] who was physically touching the Applicant in a manner deemed unprofessional.

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 to their Character of Service and Narrative Reason for Separation. The Applicant stated that during their time in service, they were diagnosed with Borderline Personality Disorder. The Applicant stated the disorder became detrimental to their mental and physical health and they struggled with the ability to create cohesion in the workplace, which caused many minor infractions, leading to an administrative discharge. The Applicant submitted their DD214, Medical Records (Diagnosis), and Separation Packet as evidence and records to support their claim.

The DRB determined that the discharge was proper. However, the Board found a nexus between the diagnosed mental health condition and the misconduct. Therefore, per the OSD P&R Memorandum, *Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment*, dated 25 Aug 2017, also known as "The Kurta Memo", the DRB determined that partial relief is warranted because the mental health condition mitigated the discharge.

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 box for "other mental health" on the application. The Applicant contended "during my service, I was diagnosed with Borderline Personality Disorder. This became detrimental to my mental and physical health. I struggled with the ability to create cohesion in the workplace and this caused many minor infractions, thus leading to my administrative discharge."

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

A review of the Applicant's records revealed the Applicant received mental health services during her time in service including partial hospitalization (PHP), intensive outpatient services (IOP), and outpatient services related to the Applicant's reported symptoms of difficulty regulating her mood and occupational problems. The Applicant received the diagnosis, in service, of borderline personality disorder.

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, eight months, twenty-two days in service. The Applicant contended she received the diagnosis of borderline personality disorder during her time in service and this condition substantially contributed to the misconducts that led to her discharge. A review of the Applicant's medical records revealed the Applicant did receive the diagnosis of borderline personality disorder during her time in service and there is evidence the Applicant exhibited and endorsed features of a personality disorder during her time in service. The Applicant's personality disorder traits likely caused her behavioral and misconduct issues in service and are considered incompatible for military service. Personality disorders and traits are conditions of a developmental nature- they are pervasive, stable, persistent, and often resistant to treatment. This condition may explain the Applicant's misconduct, but it does not mitigate the misconduct. The Applicant's records revealed the Applicant was recommended for administrative separation by her military mental health providers due to her un-suiting mental health condition and acknowledged to her providers that she was aware her diagnosis was an un-suiting condition IAW AFI 36-3208 and would result in an administrative discharge and would not be considered for medical discharge processing. Based on the available records, the Applicant's mental health conditions were known and fully considered by the Applicant's command during the discharge process and although do not mitigate or excuse the Applicant's misconducts, the board concurred the Applicant's narrative reason for separation warranted relief to reflect "condition, not a disability."

4. Does that condition or experience outweigh the discharge?

Based on the available records, the Applicant's mental health conditions were known and fully considered by the Applicant's command during the discharge process and although do not mitigate or excuse the Applicant's character or service, the board concurred the Applicant's narrative reason for separation warranted relief to reflect "condition, not a disability".

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 evidence of inequity.

FINDING: The DRB voted unanimously to ***deny*** the Applicant’s request to upgrade her discharge characterization and voted unanimously to ***approve*** a change the discharge narrative reason and separation 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 inequitable. Therefore, the awarded characterization of service shall remain “General,” the narrative reason for separation shall Change to “Condition (Not a Disability),” and the reentry code shall remain “2B.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 10 July 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)