

SUMMARY: The Applicant was discharged on 5 October 2020 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Uncharacterized Discharge for Failed Medical/Physical Procurement Standards. The Applicant appealed for an upgrade of their discharge characterization.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 31 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 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 stated as of 3 October 2023 the Department of Veterans Affairs (VA) rated them at 60% disabled. The Applicant contended the physical and mental injuries were received during training that there are still claims pending.

The DRB determined the discharge was proper and equitable. During the entry level service period, the medical staff found the Applicant did not meet minimum medical standards to enlist and due to pain in the right and the left lower leg, found the Applicant unqualified for military service, resulting in an entry level separation in which an Uncharacterized character of service is appropriate. The Board determined the Applicant did not provide evidence to support their request to overcome the presumption of regularity and there is no evidence of a mental health condition or treatment related to mental health as a mitigating factor in their discharge action.

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 requested that her uncharacterized /entry level separation be changed due to Post Traumatic Stress Disorder (PTSD) and Military Sexual Trauma (MST) based on the VA rating of a Mental Health (MH) condition. The Applicant states, "The department of veteran's affairs has me listed as a 60% disabled vet due to physical and mental injuries I received during training. There are still claims pending." The Applicant did not contend that a MH condition caused her discharge.

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

There is no evidence that a MH condition existed during military service. The Applicant was never evaluated or diagnosed with a MH condition.

3. Does that condition or experience actually excuse or mitigate the discharge?

There is no evidence that a MH condition or MST excuses or mitigates the discharge or have any relationship to the discharge. The Applicant was separated for having a disqualifying physical condition and was discharged based on erroneous enlistment. The record shows that the conditions of PTSD and anxiety disorder, unspecified were listed on the problem list by VA provider in March 2023, nearly 3 years after separation and that she was prescribed antidepressant medication, and that there were pending MH appointments. However, the genesis of these conditions or experience was not elucidated, nor did the Applicant provide any information about the alleged MST or the cause of the PTSD. The Applicant appeared to be seeking a disability rating for the claimed mental health conditions that were rated at the VA. However, any disability rating in this case would require a fitness determination and is not in the scope of this Board under liberal consideration. The Applicant may seek guidance from the AFBCMR if so inclined.

4. Does that condition or experience outweigh the discharge?

Since there is no MH condition or experience that would excuse or mitigate the discharge, there is no condition or experience that outweighs the discharge.

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 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 "Uncharacterized," the narrative reason for separation shall remain "Failed Medical/Physical Procurement Standards," and the reentry code shall remain "4C." The DRB results were approved by the Presiding

Officer on 1 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)