

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2023-00704
<p>SUMMARY: The applicant was discharged on 07 September 2022 in accordance with Department of the Air Force Instruction 36-3211, <i>Military Separations</i>, with an Entry Level Separation for Erroneous Entry. The applicant appealed for a change to the discharge narrative reason, and a change to the reentry code.</p> <p>The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using Zoom on 28 May 2024. A representative and a witness were present to testify on the applicant's behalf.</p> <p>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.</p> <p>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.</p> <p>The documentary evidence the Board considered as part of the review includes, but is not limited to the DD Form 293, <i>Application for the Review of Discharge from the Armed Forces of the United States</i>, 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.</p> <p>The applicant contests their military discharge, alleging it is based on unfounded psychiatric assumptions without proper evaluation or treatment. They argue that due to COVID-related limitations, they could not adequately address or refute the claims against them, citing staffing shortages and a closed Area Defense Council office. Furthermore, they assert they were rushed through the discharge process without the opportunity to review or sign documents, leaving them uninformed about the proceedings. A comprehensive psychological evaluation conducted post-discharge reveals that their cognitive symptoms were manifestations of COVID-19, clearing them of any mental health concerns. Additionally, the applicant highlights their vulnerability due to their ethnic background and lack of medical profile for over five years, compounded by unfamiliarity with US healthcare systems. Supporting their case, they provided a memorandum from the military Mental Health provider and various regulations, along with witness statements from coworkers and their spouses affirming their positive attributes.</p> <p>The DRB found that the applicant was discharged due to a diagnosis of adjustment disorder. The applicant testified that they had self-reported an incompatibility with the military, citing a worsening depressive mood and a desire not to return to training due to the command's procedures to protect against the COVID-19 virus, which prompted the applicant's discharge. After reviewing the available records, the DRB determined that the discharge was appropriate since there was no evidence of any impropriety or inequity to support the applicant's request for an upgrade, given that the applicant could not complete the entry-level status of 180 days of service.</p> <p>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</p>	

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 she was discharged without proper evaluation or treatment and stated in her personal statement that "a comprehensive psychological evaluation revealed that my cognitive symptoms were actually manifestations of COVID-19".

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 outpatient and inpatient services for symptoms of anxiety, overstimulation, and poor sleep. The applicant's records revealed the applicant requested to separate from military due to a conflict with her personality style, unhappiness with family separation, and inability to adapt to military lifestyle. The applicant's records revealed the applicant received the diagnosis of adjustment disorder during her brief time in service.

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

A review of the applicant's DD214 revealed the applicant requested and received an uncharacterized Entry Level Separation due to erroneous entry with one month, seven days time in service. A review of the applicant's in-service medical and mental health records revealed the applicant requested to be discharged after her completion of COVID isolation protocol due to increased anxiety, feeling unsafe in the training environment, missing her family, and belief that her personality did not match with the military lifestyle. The applicant contended on her application she was discharged without proper evaluation or treatment. A review of the applicant's in-service records she reported symptoms of anxiety related to the quarantine environment and unhappiness with being separated from her family as her primary stressors. The applicant's records revealed she was evaluated by outpatient behavioral health provider two consecutive days and reported increasing severity of symptoms of anxiety and inability to sleep resulting in her voluntary inpatient psychiatric hospitalization at which time the applicant discussed and requested entry level separation. The applicant's records revealed the applicant received three days of inpatient evaluation and treatment and was evaluated by at least two outpatient providers who concurred with patient's request to be discharged due to her stated inability to adapt to the military training environment and desire to return to her husband and children. There is no evidence the applicant endorsed residual symptoms of COVID during her inpatient psychiatric admission; further the applicant reported her symptoms of anxiety and difficulty sleeping nearly totally subsided as the applicant prepared to depart BMT and return to her family. The applicant's records revealed the applicant reported her symptoms were resolved by being able to departed BMT.

There is no evidence the applicant's discharge was improper or did not follow the requirements of Entry Level Separation IAW AFI 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 of the applicant's service was appropriately deemed as uncharacterized and is not mitigated by a mental health condition.

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

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 their 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 seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

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 "Entry Level Separation," the narrative reason for separation shall remain "Erroneous Entry," and the reentry code shall remain "2C." The Air Force DRB (AFDRB) 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://afrbportal.azurewebsites.us>

Attachment:

Examiner's Brief (Applicant Only)