

SUMMARY: The Applicant was discharged on 19 October 2010 per Air Force Instruction 36-3208, Administrative Separation of Airmen, with a General Discharge for Misconduct (Other). 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 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 failing to go at the time prescribed to appointed place of duty. Multiple Letter/s of Reprimand for failing fitness test (x2 in one year and 3x in 28-month period); performing a direct safety violation by pulling a B-5 stand through the aircraft propeller arch while the gas turbine compressor was running; ignoring an order to take care of improper facial hair; found sleeping on an aircraft ramp while on duty and advised by Senior Non-commissioned Officer (SNCO) to get up and help and then SNCO returned to find the member sleeping again.

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, stating "I was treated unfairly and I believe I deserve an honorable discharge". The Applicant stated they felt their General discharge was unjust and stated they were repeatedly hazed and harassed on numerous occasions, and was singled out as a troublemaker unfairly. The Applicant provided arguments for various instances in his past where he contended that punishments were "racially motivated and aggressive". He stated, "They claim I was trying to milk the Air Force for a medical retirement, but I simply just wanted help...I was treated like I was lying about my condition and never received help for waivers or a medical discharge at all". The Applicant stated that receiving this General Discharge has made his life very hard and affected his mental health as a result. The Applicant stated, since the time of their discharge, they have attained an Associate degree and enrolled in school for an airframe and powerplant rating for a career in aviation. The Applicant provided a character letter from an Air Force Captain, who served alongside Applicant, stating the Applicant was injured during unit physical training, leaving the Applicant unable to accomplish physical tasks and it is their belief that NCOs erroneously perceived the Applicant was exaggerating their injury to avoid duties.

The DRB determined the discharge was proper and equitable. The Applicant's record reflected a pattern of misconduct. The DRB did not find a nexus between mental health and the misconduct.

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 made no other mental health contentions and submitted no records for review. The Applicant contended "I was treated unfairly, and I believe I deserve an honorable discharge."*
2. Did that condition exist/experience occur during military service? *There is no evidence or records 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 features of a mental health condition during his 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 was discharged with a general character of service due to misconduct (other) with three years, ten months, eight days time in service. A review of the Applicant's discharge package revealed the misconducts that led to the Applicant's discharge included failure to go to mandatory appointments on multiple occasions, failed physical fitness tests, sleeping on duty and not following proper safety protocols. A memorandum from the Applicant's primary care provider indicated the Applicant was not compliant with his rehabilitative requirements and was seeking secondary gain (medical discharge). There is no evidence or records 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 features of a mental health condition during his time in service to any of his medical providers or his leadership. There is no evidence a mental health condition caused or substantially contributed to 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, the Applicant's discharge is also not outweighed.*

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 his 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 contentions, 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 "General," the narrative reason for separation shall remain "Misconduct (Other)," and the reentry code shall remain "2B." 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://afrbaportal.azurewebsites.us>

Attachment:

Examiner's Brief (Applicant Only)