

SUMMARY: The Applicant was discharged on 20 August 2021 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Uncharacterized discharge for Erroneous Entry. The Applicant appealed for a change to the reentry code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 06 June 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 claims that they have never had suicidal thoughts and that there is no evidence of a thought disorder or mania in their records. They also question why their record indicates an erroneous/fraudulent enlistment, as they maintain that they did not engage in any fraudulent or erroneous behavior. The Applicant further explains that the only issue they had was a refusal to take the mandatory COVID-19 vaccination due to safety concerns.

The Discharge Review Board found that the Applicant was discharged due to erroneous entry, as their records revealed symptoms of a mental health condition that impaired their ability to perform military duties at the time of discharge. The Applicant did not wish to continue with military training and did not complete the required 180 days of service. Therefore, the Air Force found the discharge to be legally sufficient and there was no evidence of impropriety or failure to follow the requirements of Entry Level Separation (ELS). Additionally, the Applicant claimed their record indicates fraudulent enlistment; however, the Applicant's discharge was approved in accordance with AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section 5C, Defective Enlistments, Paragraph 5.14, Erroneous Enlistment as the Air Force determined that the Applicant was unaware of their mental health condition prior to entering service, and therefore did not warrant a fraudulent enlistment narrative reason.

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 contended I was evaluated by San Antonio Medical Center and the psychiatrist said that I endorsed worsening anxiety and depression as well as suicidal thoughts. I denied having any thoughts of suicide and the psychiatrist even noted that I denied any thoughts and that there is no evidence of a thought disorder or mania. I was also wondering why it says that I had an erroneous/fraudulent enlistment because I didn't do anything erroneous or fraudulent. The only issue they had was the fact that I refuse to take the COVID-19 vaccination when I was mandatory, but I personally feel as though it was not safe or tested enough to know long term effects and I did not feel comfortable taking it.

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

A review of the Applicant's DD214 revealed the Applicant received an uncharacterized, entry level separation due to erroneous entry. A review of the available records revealed the Applicant endorsed symptoms of depressed mood, anxiety, and suicidal thoughts in the context of initiation of military training. The Applicant's mental health evaluation also noted "the member does not desire to return to the training environment due to the stress it causes him." A review of the Applicant's medical records revealed the Applicant was evaluated on an involuntary basis, through an emergency command directed evaluation (E-CDE) during the third week of basic military training at which time the Applicant endorsed pre-service history of self-harm (cutting) as well as endorsed symptoms of depressed mood, anxiety, fatigue. The Applicant's records revealed he received the diagnosis of adjustment disorder during his time in service.

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

The Applicant requested to have their re-entry code changed but did not provide any information regarding the nature of this request. The Discharge Review Board is not the waiver authority for re-entry and will not opine on the Applicant's current fitness for military service. The Applicant was discharged due to erroneous entry, at the "snapshot in time" of the Applicant's service the Applicant's records revealed the Applicant exhibited and endorsed symptoms of a mental health condition that impaired his ability to effectively perform his military duties. Further, the Applicant made it known they did not desire to continue military training.

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 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, narrative reason for separation, or re-entry code is 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 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 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 "Erroneous Entry," and the reentry code shall remain "2C." The DRB results were approved by the Presiding Officer on 4 August 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)