AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2023-00744

SUMMARY: The Applicant was discharged on 04 November 2021 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with a General Discharge for Pattern of Misconduct. The Applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the reentry code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 11 July 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. Their misconduct included an unauthorized absence.

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 in their discharge characterization, stating that their mental health issues had contributed to their misconduct. They made no specific claims of impropriety or inequity. The Applicant submitted a Veterans Affairs (VA) claim letter to support their request.

The DRB found The Applicant did not allege any specific impropriety or inequity in their discharge but attributed their misconduct to mental health issues, particularly insomnia, which they claim was not recognized or treated during their service. The service record includes an Article 15 for being Absent Without Leave (AWOL) for nearly two months, documented without reference to any mental health issues influencing their behavior at that time. Moreover, the Applicant's denial of mental health symptoms and refusal of referrals during service contradicts their current claim that insomnia or potentially PTSD significantly contributed to their misconduct. Given the absence of supporting evidence in the service record and the Applicant's failure to provide proof of a mental health condition during service that would excuse or mitigate their misconduct, the discharge characterization cannot be considered improper or inequitable.

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 "PTSD" on the application. The Applicant contended "the reason for my pattern of misconduct was not being able to show up to work and events on time. The reason for this is because I was not able to get enough rest, or sometimes wake up on time. This was results of my insomnia, which I was not aware that I had until I was diagnosed with it getting out of the military. On my disability claim letter it shows the evidence of my diagnosis of insomnia (also claimed as PTSD)."

2. Did that condition exist/experience occur during military service?
There is no evidence the Applicant sought or received any mental health treatment during their time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant features of PTSD, or any other mental health condition, during their time in service. There is no evidence or records to substantiate the Applicant's contention that they developed a mental health condition during their time in service. A review of the available records revealed the Applicant was referred to the mental health clinic by their first sergeant after a physical altercation with a peer at which time the Applicant denied all mental health symptoms and declined mental health services or referrals. A review of the Applicant's annual health screeners reviewed the Applicant denied all mental health symptoms and declined referrals.

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 a pattern of misconduct with three years, five months, fourteen days' time in service. The Applicant's discharge package was not available for review. A review of an Article 15 dated 20 July 2020 revealed the Applicant was absent from his duty station without authorization for nearly two months. There is no evidence the Applicant sought or received any mental health treatment during their time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant features of PTSD, or any other mental health condition, during their time in service. There is no evidence or records to substantiate the Applicant's contention that the Applicant developed a mental health condition during their time in service. Based on the available records and documents submitted by the Applicant, there is no evidence a mental health condition caused or mitigated 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 or excused, 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 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 "General," the narrative reason for separation shall remain "Pattern of Misconduct," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 3 September 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)