

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2023-00800
<p><b>SUMMARY:</b> The applicant was discharged on 13 October 2016 per Air Force Instruction 36-3208, Administrative Separation of Airmen, with a General Discharge for Misconduct (Minor Infractions). The applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the reentry code.</p> <p>The applicant requested the Board be completed based on a records only review. The Board was conducted on 06 June 2024. The applicant was represented by counsel.</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><b>DISCUSSION:</b> 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 applicant's record of service included multiple Article 15s, a Letter of Reprimand, and a Letter of Counseling. Her misconduct included: On or about 6 Mar 16 and on or about 7 Mar 16, misused the Government Travel Card; Created a false permanent change of station order, with the intent to defraud and to void a lawful lease contract; arrested by civilian authorities and charged with 3rd degree burglary and trespassing, resulting in spending the night in jail while on alert status as a flight attendant; Left place of duty for the day without permission, and without providing proof of payment for her delinquent travel card.</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, through counsel, indicated that her mental health condition significantly contributed to the circumstances leading to the discharge. They highlighted that her overall service record warranted probation and rehabilitation rather than discharge before her separation from the Air Force. The applicant asked that the board consider equity while recognizing the unique circumstances of her service that affected her mental health conditions, specifically PTSD from Operation Enduring Freedom. Additionally, they highlighted that the abusive relationship she recently had ended also contributed to the misconduct that resulted in the discharge.</p> <p>The DRB reviewed the applicant's entire service record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge. Although the applicant was recommended to be offered probation and rehabilitation by the Board, the decision is place ultimately on the separation authority to make the final determination. The DRB found no impropriety with this. The Board also reviewed the applicant's mental health history but did not find a nexus to the misconduct.</p> <p><b>LIBERAL CONSIDERATION:</b> Due to evidence of a mental health diagnosis and/or experiences of sexual</p>	

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, through counsel, contends that her mental health condition significantly, specifically PTSD, contributed to the circumstances leading to the discharge. The applicant asked that the board consider equity while recognizing the unique circumstances of her service that affected her undiagnosed mental health condition, PTSD from Operation Enduring Freedom. Additionally, the abusive relationship she recently had ended also contributed to the misconduct that resulted in the discharge. She asks the Board to give "liberal consideration" to her mental health conditions and find them to be major mitigating or excusing factors.*

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

*There was no in-service evidence of a mental health (MH) condition. The 21 June 2019 MHPC therapy visit recorded the diagnosis of Major Depression, recurrent, moderate. The applicant reportedly stated that "she has tried so long to distract away from painful thoughts and emotions but with her moving to Alaska and the ending of a relationship (still living with ex-boyfriend), she has more free time and thus memories and emotions are surfacing." The applicant discussed how bothered she was about her mother not investing time in her despite her working hard (joining military). It was more difficult that her mother made efforts with her brother, who had history of legal problems. She noted her depressed mood got worse 2 years ago when she got involved in a church that ended up not being good for her. She reported past traumas, including sexual abuse during childhood but no report of combat related trauma. She described how because of these experiences she has difficulty trusting others, finds it hard to concentrate, feels down, has lack of motivation and has intrusive thoughts. The applicant reported that she had attended 6-7 session of talk therapy "a while ago" that was not helpful. There was no mention of any combat related traumatic experience; however, the applicant endorsed MST but did not elaborate, except to say she did not want to report it. There was no mention of any experience that caused her misconduct in the military. In July 2019, the additional diagnosis of PTSD was made based on the PCL-5 score.*

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

*The applicant had no encounter with mental health during military service. There was no report of combat related trauma, MST, domestic abuse or violence, or any MH condition during service. There was no nexus between a MH condition and the discharge. During the 2019 MH visits, 3 years after separation, the applicant did not mention any experience or MH condition that caused her misconduct in the military. Therefore, there was no experience or condition to excuse or mitigate the discharge. The Board recognizes that trauma exposure is not always reported; however, this applicant had opportunity during her FLY PHA visit where she reported feeling more stress over admin separation. The opportunity was available to discuss her stressors and to request a referral to MH.*

4. Does that condition or experience outweigh the discharge?

*Since there was no MH condition or experience to mitigate the discharge, there is no condition or experience that outweigh 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 “General,” the narrative reason for separation shall remain “Misconduct (Minor Infractions),” and the reentry code shall remain “2B.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 3 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)

