

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2023-00802
<p>SUMMARY: The applicant was discharged on 11 April 2023 per the Department of the Air Force Instruction 36-3211, Military Separations, with a General Discharge for Misconduct (Serious Offense). 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 not 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>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 applicant's record of service included multiple Article 15s. His misconduct included: Physically controlled a vehicle while drunk on base; Failed to obey a general lawful order to restrict movement in response to the COVID-19 pandemic, by wrongfully attending a party while he was ordered to be quarantined.</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 indicated that he served diligently during his 4 years in the Air Force, but personal challenges resulted in his discharge. He highlighted that he has since overcame the difficulties and would like to use the GI Bill in order to pursue his education. Once complete, he would like to commission in the Air Force.</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. The Board understood that that he had personal challenges, however they are no different than what the vast majority of first-term Airmen experience and still properly adhere to the rules and regulations. The applicant's previous misconduct does not align with the values and standards expected in the United States Air Force, therefore an upgrade to the reentry code could not be supported.</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 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</p>	

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 contends that personal challenges led to his discharge. He asks that his character of discharge be changed to honorable so that he may qualify for GI Bill benefits to pursue a college degree. The applicant checked the other mental health box in the application.

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

The applicant contended he had personal challenges but did not implicate a MH condition. He was diagnosed with alcohol use disorder and dependency and attended 3 treatment sessions that were mandatory. He claimed to have stopped drinking alcohol. While intoxicated, the applicant participated in suicidal gestures and noted that his behavior was in response to a breakup and the use of alcohol. There was no evidence in the military record that suggested he met criteria for any MH condition. He did meet criteria for alcohol use disorder, and he received a DUI. There are no post discharge treatment record or diagnosis of a MH condition.

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

There is clear evidence that his use of alcohol led to behaviors and consequences that culminated in his discharge. However, there is no evidence to excuse or mitigate the discharge. His misconduct is serious. A DUI not only put the applicant at serious risk but creates harmful risks for others.

4. Does that condition or experience outweigh the discharge?

There was no evidence of a MH condition or experience to 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 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 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 (Serious Offense),” 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)

