

SUMMARY: The Applicant was discharged on 17 November 2014 in accordance with Air Force Instruction, 36-3207, *Separating Commissioned Officers*, with an Under Honorable Conditions - (General) discharge for Unsatisfactory Performance. 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 10 October 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 DRB provided a notice to inform the service member of resources available to help answer their questions about the application process and/or to help them supplement their application, to include information on the types of evidence that can be submitted to support a claim; information regarding potential eligibility for mental health treatment and evaluation services offered by the Department of Veterans' Affairs (VA); general information regarding Veterans Service Organizations that may assist with DRB applications, and their right to retain counsel; a link to a database of legal services organizations that serve members of the military, veterans, and their families; the weblink to the VA's Directory of Veteran's Service Organizations; and information regarding reasonable accommodation requests from the DRB in the application and adjudication process.

The Applicant's record of service included the following documented misconduct leading up to their discharge:

- Letter of Admonishment (LOA) for numerous incidents of tardiness and counseling sessions.
- Letter of Reprimand (LOR) for dereliction of duty & having a disrespectful attitude towards superiors.
- Article 15 for absence from place of duty & willfully disobeying a superior officer. (2x Times).

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 a discharge upgrade due to mental health issues experienced during their military service. Following their separation, they were diagnosed with bipolar affective disorder and awarded 100% service-connected disability. They were later reevaluated and determined to be totally and permanently disabled as a result of these conditions.

The Applicant states that, had their mood disturbances been properly diagnosed and treated during their military career, their behavior would have been more appropriate and in line with their responsibilities. Since

their diagnosis, the Applicant had learned to manage their disorder and had demonstrated exceptional work ethic and character as a competitive bodybuilder. They also founded a faith-based Christian outreach gym, where they shared the gospel through social media and offered pro bono personal training to clients. The Applicant expressed a desire to return to academia to pursue a degree in physics, and an upgrade to their discharge would enable them to successfully apply for educational benefits, furthering their post-military career as a physicist.

The DRB found that the Applicant's record showed repeated misconduct, despite multiple counseling efforts. The ongoing infractions indicated a failure to meet leadership standards. Although the Applicant cited post-service mental health issues, there was no evidence in the record or provided by the Applicant that showed these conditions were present or contributed to their behavior during service. The Applicant also expressed disinterest in continuing military service and requested separation, further justifying a general discharge.

While the Board acknowledged the post-service bipolar diagnosis, there was no indication this condition directly caused the misconduct in service. The Applicant's lack of commitment to their military duties, combined with their behavior, outweighed any potential mitigating factors. Therefore, the Board found the Applicant's discharge status proper.

LIBERAL CONSIDERATION: Due to the Applicant's contentions or 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 contended "If I had known during my military career about my mental illness, I believe my mood disturbances would have been managed more appropriately and my conduct would have been more becoming of an officer. Indeed, since separating from the Air Force and learning how to live with Bipolar Disorder, I have demonstrated excellent work ethic and strength of character as a competitive body builder in the National Physique Committee and man of religious ministry."

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

There is no evidence the Applicant sought or received any mental health treatment during his time in service. A review of the available records revealed the Applicant was referred to his primary care doctor for evaluation after the Applicant reported feeling ill, but the Applicant did not attend the medical appointment. The Applicant's records revealed the Applicant sought medical care during his time in service for dysphonia and stated to speech pathologists that he was a music producer and professional singer and had sought speech and voice maintenance services prior to service.

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

A review of the Applicant's DD214 revealed the Applicant resigned his commission with a general characterization of service due to unsatisfactory performance with three years, eighteen days' time in service.

4. Does that condition, or experience outweigh the discharge?

A review of the available records revealed the Applicant made it known that he did not wish to continue in the Air Force and found the mission and his position to be boring and a waste of his time and talents. A review of the Applicant's discharge package revealed the Applicant made it known that he wished to be separated and stated "I recognize that the Air Force and I are not a good fit and I would like to honorably separate. It is equally my hope that you realize I never intended for this career trajectory and that the entirety of my documented adjustment difficulties have been circumscribed to my time on staff here at the AFPC manpower directorate." While the Applicant's undiagnosed, and un-evaluated mental health condition may have mitigated some of the Applicant's misconducts, it does not outweigh the totality of the Applicant's service career.

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.

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 "Under Honorable Conditions - (General)," the narrative reason for separation shall remain "Unsatisfactory Performance." The DRB results were approved by the Presiding Officer on 29 October 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, MD 20762

Instructions on how to appeal an AFDRB decision can be found at
<https://afrbportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)

