

SUMMARY: The Applicant was discharged on 27 March 2017 in accordance with 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.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 17 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:

- Referral Evaluation for repeatedly failing to meet minimum fitness program standards.
- Letter of Counseling (LOC) for failed assessment for the appearance/cleanliness of their room.
- Letter of Reprimand (LOR) for insubordinate conduct toward a noncommissioned officer.
- LOR for making several posts to social media concerning their supervisor, the supervisor's family, and their leadership in an unprofessional nature.
- LOR for not attending Warrior on Weights as stated.
- LOR for falsifying an official document.
- LOR for travelling outside of the local area without filling out the form required per Leave and Pass Policy.
- LOR for their room being discovered to be in deplorable conditions.

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 contended that their mental health spiraled within weeks of arriving at their first duty station. The Applicant contended that they had an extremely discomfoting and awkward encounter with their

supervisor, that left them feeling extremely unprotected, nervous and paranoid which made it hard to show up to work, spiraling into fear and anxiety in which they sought mental help for depression. The Applicant contends that their constant paranoia due to their horrible experiences with their opposite gender supervisors directly contributed to their weight gain and a failed PT test, and they began to neglect their hygiene and their room was in complete disarray resulting in an LOR for room failure. The Applicant stated they eventually landed in a psych ward and had given up on themselves and their ability to perform in the Air Force. The Applicant contends that their mental health appointments on base and through virtual appointments outside of the military contributed to them missing PT and showing up late to work at times. The Applicant contended that they were promised they would still have school benefits when separating, being their primary goal to get those benefits reinstated.

The Applicant provided the following documents in support of their claim: VA Diagnosis/Rating; Military Documents and Achievements.

The Applicant was discharged for minor disciplinary infractions for receiving multiple LORs and a LOC for various misconducts, including unsanitary living conditions, unauthorized travel, falsifying records, and disrespectful behavior towards noncommissioned officers.

The DRB found no evidence of a mental health condition or experience of sexual assault or sexual harassment that mitigated or excused the Applicant's misconduct. The Applicant contended they were promised they would still have school benefits after being discharged; however, the Board found no evidence provided by the Applicant of such a promise. Furthermore, the alleged promise would not warrant a change to the proper and equitable discharge characterization that the Applicant received.

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 boxes for "PTSD," "other mental health," and "sexual assault/harassment" on the application. The Applicant reported they experienced difficulty adjusting to the military lifestyle and experienced anxiety and difficulty sleeping after an experience when an opposite gender superior knocked on their dorm room door.

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

A review of the Applicant's in-service records revealed the Applicant received inpatient and outpatient mental health services during their time in service. The Applicant's records reflect they reported symptoms of stress, difficulty maintaining sleep, and anxiety related to their dissatisfaction with the military and military lifestyle. There is no evidence the Applicant received a diagnosis of PTSD during their time in service.

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 misconduct (minor infractions) with three years, two months, fourteen days' time in service. A review of the Applicant's discharge package revealed the Applicant received seven documented misconducts during their time in service. A review of the Applicant's records revealed the Applicant made it known for the duration of their time in service that they were dissatisfied with their decision to join the Air Force after they were assigned overseas for their first assignment. There is evidence the Applicant exhibited and endorsed difficulty adjusting to the military lifestyle and poor coping skills. The Applicant's contentions are contradictory to the Applicant's in-service records that were available for review. The Applicant's records revealed the Applicant made it known that they wished to pursue photography and was not interested in acclimating to the military environment. There is no evidence the Applicant reported, endorsed or exhibited any impacts from in service sexual harassment or assault during their time in service in a review of the Applicant's medical records, mental health records, and administrative records. There is evidence the Applicant reported pre-service traumas. There is evidence the Applicant engaged in unprofessional online behavioral regarding their leadership and made disparaging statements on social media involving race, gender, and military culture.

The records revealed the Applicant described symptom development including difficulty sleeping and anxiety in response to occupational stressors and difficulty coping with stressors contributed to additional occupational and disciplinary problems. There is no evidence a mental health condition caused the misconduct(s) that led to the Applicant's discharge. There is evidence the Applicant exhibited and endorsed difficulty adjusting to the military lifestyle and poor coping skills which may explain the Applicant's misconducts but it does not constitute a mental health condition and does not mitigate the misconduct(s) that led to the Applicant's discharge.

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

The Applicant's discharge is not mitigated by a mental health condition or experience of sexual assault or sexual harassment and the Applicant's discharge 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.

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 DRB results were approved by the Presiding Officer on 22 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, NAF Washington, MD 20762

Instructions on how to appeal an AFDRB decision can be found at

<https://afrbaportal.azurewebsites.us>

Attachment:

Examiner's Brief (Applicant Only)