

SUMMARY: The Applicant was discharged on 23 September 2015 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions (General) character of service for Misconduct (Minor Infractions). The Applicant appealed for an upgrade of their character of service.

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:

- Letter of Counseling (LOC) for exhibiting attitude and blatant disrespect toward a noncommissioned officer (NCO).
- Letter of Reprimand (LOR) for parking illegally, being advised to move, blocking the exit a second time after lunch, arguing with Security Forces when they arrived on-scene, and providing different versions of the event to leadership; reprimanded for a lack of integrity.
- LOC for being disrespectful to an NCO.
- LOR for failing to take part in a Foreign Object Debris (FOD) walk and roll call on multiple occasions.
- LOR for leaving work early without permission.
- LOR for disorderly conduct.
- LOR for failing to report to the commander in service dress.
- Article 15 for being disrespectful to an NCO and being disrespectful to a SNCO on a separate occasion.

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 stated that they started having symptoms two years before their enlistment and have been diagnosed post service by the Department of Veteran Affairs (VA) with schizoaffective disorder, bipolar type, and put on medicine. They contend that their undiagnosed mental illness was a direct cause of their discharge. The Applicant contended that they received no court martial and no Article 15. The Applicant stated they have been doing well in their civilian life.

The Applicant provided the following documents in support of their claim: DD Form 214, *Certificate of Release or Discharge from Active Duty*, Statements, VA Medical Records, VA Letters, Death Certificate, W-2s, Employment Promotion Letter, and Vanguard Investments Summary.

The DRB determined that there was not sufficient evidence of a mental health condition that excused or mitigated the Applicant's misconduct and did not find sufficient evidence to warrant an upgrade. The Applicant contended they did not receive a court martial or Article 15; however, the Applicant's record reflects they received an Article 15 which was the last documented misconduct leading to their discharge. The DRB did not find any inequity or impropriety in the Applicant's discharge.

LIBERAL CONSIDERATION: Liberal consideration does not apply to this Applicant's request. The Applicant checked the box for "other mental health" on the application and contended "starting around 2010 at age 22, two years before my enlistment, I began having problems with relationship and work/school performance." The Applicant also submitted their medical records and contended "the VA diagnosed me in 2020 with schizoaffective disorder, bipolar type and put me on medication." Based on the Applicant's contentions and the evidence available for review in the Applicant's medical records the Applicant's condition existed prior to service (EPTS); there is no evidence of service aggravation beyond the natural progression of the illness. EPTS conditions are excluded from the intent of liberal consideration.

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 character of service.

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 character of service shall remain "Under Honorable Conditions (General)," the narrative reason for separation shall remain "Pattern of Misconduct," and the reentry code shall remain "2B." The DRB results were approved by the Presiding Officer on 30 October 2024. If desired, the Applicant can request a list of the Board members and their votes by writing to:

Air Force Discharge Review Board

3351 Celmers Lane

Joint Base Andrews, MD 20762-6435

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

<https://afrbportal.azurewebsites.us>

Attachment:

Examiner's Brief (Applicant Only)