

SUMMARY: The Applicant was discharged on 9 July 2015 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, a change to the discharge narrative reason, and a change to the reentry code.

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 failing to report to work on time.
- LOC for failing to report to work on time.
- Article 15 for failing to inform supervision about their leave address.
- Vacation of Article 15 for failing to report to work on time.

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 near the time of their discharge they were diagnosed with major depression and currently has a Post Traumatic Stress Disorder (PTSD) diagnosis. The Applicant contended that their negative experience at a psychiatric facility for three days made their depression worse and they were not in their correct state of mind, which they contend contributed to their minor infraction that led to them getting and Article 15.

The Applicant provided the following documents in support of their claim: DD Form 214, Certificate of Release or Discharge from Active Duty, Character Statements, Disability Rating, and Reference Letter.

The Applicant was discharged for two LOCs, an Article 15, and a vacation of suspended portion of an Article 15 for minor infractions of reporting to work late and not updating their leave address.

The DRB did not find sufficient evidence of a mental health condition that mitigated or excused the Applicant's misconduct. The Board also determined that the Applicant's mental health along with their desire to leave the military were considered during the Applicants discharge.

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" and "other mental health" on the application. The Applicant contended they were diagnosed with major depression and are currently diagnosed with PTSD. "I suffered dealing with the death of eight family member starting from my second day of basic training. I was admitted into a psychiatric facility for three days and told I would be able to focus on myself and talk to my family as much as I needed to, I was lied to! My phone was taken upon arrival and I had to share the facility's phone with over 20 other people. I was forced to stay there and threatened with an Article 15 if I decided to leave. I let everyone know the deaths were affecting me in a negative way and I needed my family. I was only 21 at the time of the 8th death in less than 18 months of me being in the military. Taking my phone made my depression worse. I was not in my correct state of mind. I asked for help and was further damaged. This contributed to the minor infractions that led to me getting an Article 15. It also still bothers me today, but I am finally getting the proper help with it now."

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

A review of the Applicant's in-service records revealed the Applicant received mental health services during their time in service related to difficulty adjusting to the military lifestyle and bereavement. The Applicant reported symptoms of difficulty sleeping and depressed mood. The Applicant's records revealed the Applicant was referred to a higher level of care for further evaluation but requested to be discharged against medical advice after one day and refused all treatment and interventions. The Applicant's records revealed the Applicant made their adjustment issues to the military known and also requested to be discharged to be near family because they felt unprepared and unwilling to live away from them. The Applicant noted they only experienced mental health symptoms while they were away from their family and in the military environment, noting the symptoms resolved when they were at home with their family. The Applicant's records revealed they reported resolution of their symptoms and requested to terminate mental health service several months before their discharge noting they were engaging in increased social activities with military peers and managing travel to see their family regularly. The Applicant's records revealed the Applicant received the diagnosis, in service, of adjustment disorder. There is no evidence the Applicant received the diagnosis of PTSD during their time in service. There is no evidence the Applicant exhibited or

endorsed any clinically significant indicators 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 two years, four months, five days time in service. In the Applicant's response to their Article 15 the Applicant stated "I do apologize for what I've done and I would like to put this behind me. In addition, with this not being my first infraction, I accept the fact that I am incapable of adapting to military lifestyle, as evident in my civilian-like actions. I have not accepted the fact that the military has to be a first priority, which explains me rushing to get home to my family. My way of thinking has greatly impacted this situation." In the Applicant's response to the vacation of their suspended non-judicial punishment the Applicant stated "situations happened with my family, and I got home to them as soon as I can. I do apologize for what I've done wrong and I would like to put this behind me. I am not here to say I was not wrong, I just realize my priorities are a little different than what the Air Force would like for them to be. Again, it is not to be intentionally disrespectful to anyone. After what I've experienced through my time here involving my family, I cannot see myself not running to them when something is wrong. In the process, my primary focus is to get home, which apparently is not the way the Air Force operates." The records revealed the Applicant described symptom development in response to family stressors and difficulty coping with stressors contributed to additional occupational problems and disciplinary actions. Bereavement is not a mitigating mental health condition and was noted to have resolved during the Applicant's time in service. There is evidence the Applicant exhibited and endorsed difficulty adjusting to the military lifestyle and poor coping skills and made it known they did not wish to continue their military career, resulting in their in service diagnosis of adjustment disorder, which may explain the Applicant's misconduct but does not mitigate the Applicant's discharge.

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

There is evidence the Applicant exhibited and endorsed difficulty adjusting to the military lifestyle and poor coping skills and made it known they did not wish to continue their military career. The Applicant's discharge is not mitigated or excused by an in-service mental health condition 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, 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 DRB results were approved by the Presiding Officer on 23 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 20762-6602

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

<https://afrbportal.azurewebsites.us>

Attachment:

Examiner's Brief (Applicant Only)