

SUMMARY: The Applicant was discharged on 29 July 2019 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Other Than Honorable Conditions 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 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 Applicant's record of service included the following documented misconduct leading up to their discharge:

- Letter of Counseling (LOC) for failure to report to work and could not be reached by phone.
- Letter of Reprimand (LOR) for failure to report to work and could not be reached by phone.
- LOR for failing to perform corrective action as instructed for wearing incorrect rank and failing to report to work on two separate days.
- Article 15 for failing to report to work.

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 they were under the command of a person who created a hostile workplace and they suffered from depression, anxiety, Post Traumatic Stress Disorder (PTSD), and more, leading to substance abuse.

The Applicant provided the following documents in support of their claim:

DD Form 214, *Certificate of Release or Discharge from Active Duty*, and Clinic Final Evaluation Report.

The Applicant was discharged for multiple instances of failing to report to work. The Applicant was notified of their discharge and consulted with legal counsel and did not submit a statement for consideration.

The DRB determined the Applicant's contention of a hostile work environment was not supported as there was no evidence or details provided by the Applicant or documentation in their records. Additionally, the DRB found no evidence to substantiate the applicant's contention that they had a mental health condition in service that would mitigate or excuse the misconduct that resulted in discharge. The Board noted an administrative error warranting correction on the Applicant's DD Form 214, *Certificate of Release or*

Discharge from Active Duty, that currently reflects the character of service as Under Other Than Honorable Conditions. The Applicant's record reflects an Under Honorable Conditions (General) was directed by the discharge approval authority and also documented on the Applicant's AF Form 100, Request and Authorization for Separation.

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 "I was under the command of a female officer during my first assignment at Barksdale. This person was verbally abusive and manipulative, creating a hostile workplace within the team. Her behavior was demeaning and embarrassing to me which I why I never reported it. Also, I had fear of retaliation. I then started suffering from depression, anxiety, PTSD, and more. This led to substance abuse disorder. I just started attending meetings on base to help with the addictions when I was separated for minor infractions. In retrospect, if the military had allowed me to complete my treatment and receive the mental health care that I needed I could have had a long and honorable career as a US Airman."

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

A review of the applicant's in-service records revealed the applicant saw a mental health provider in the primary care clinic on two occasions during their time in service and reported symptoms of stress related to disciplinary actions and maladaptive alcohol use. The applicant's records revealed the applicant was medically referred to substance use services during their time in service and participated until they were separated for misconduct. The applicant's records revealed the applicant received the diagnosis, in service, of alcohol use disorder. There is no evidence the applicant endorsed or exhibited any clinically significant indicators of PTSD or any other mental health condition 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 an under other than honorable character of service due to misconduct (minor infractions) with three years, eleven days time in service.

A review of the applicant's discharge package revealed the applicant was recommend for an under honorable conditions (general) character of service at the time of their discharge.

The applicant's records revealed the applicant was medically referred to substance use services during their time in service and participated until they were separated for misconduct. There is no evidence the applicant endorsed or exhibited any clinically significant indicators of PTSD or any other mental health condition during their time in service. The applicant's records revealed the applicant endorsed a pattern of maladaptive alcohol use that led to relational, occupational, and disciplinary issues. There is no evidence the applicant was self-medicating an underlying mental health condition. A review of the applicant's records revealed the applicant reported dissatisfaction with having a "desk job" but liked their unit. There is no

evidence of a nexus between the applicant's choice to use alcohol in ways that were incompatible with military service and with the applicant having a female commander. There is no evidence or records a mental health condition caused or contributed to the misconducts that led to the applicant's discharge.

The applicant submitted a post service evaluation that described the applicant's symptoms of anxiety and depression as "an overall byproduct of substance use." The board concurs that mood dysregulation caused by substance use is possible and it is possible the applicant exhibited mood dysregulation during their time in service. However, and in concurrence with the applicant's supporting documentation, it is as likely as not that the applicant's mood dysregulation was caused by their maladaptive substance use.

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

There is no evidence to substantiate the applicant's contention that they had a mental health condition in service. Because the applicant's discharge is not mitigated or excused by a mental health condition, it is also 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 character of service to Honorable.

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 characterization of service shall remain "Under Honorable Conditions (General)," the narrative reason for separation shall remain "Misconduct (Minor Infractions)," and the reentry code shall remain "4H." The DRB results were approved by the Presiding Officer on 14 November 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)