

SUMMARY: The Applicant was discharged on 01 November 2015 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions - (General) discharge for Misconduct (Minor Infractions). The Applicant appealed for a change to the reentry code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 26 November 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:

- Article 15 for failure to report to the appointed place of duty at the prescribed time.
- Article 15 for multiple unauthorized failures to report to the appointed place of duty at the prescribed time and for using disrespectful language toward a noncommissioned officer.
- Article 15 for theft.

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 an upgrade to their reentry code, citing a mental health diagnosis that contributed to their past behavior, which they attributed to untreated mental health needs at the time. They accepted full responsibility for their actions and the subsequent impact on their military service, acknowledging the premature conclusion of their service. Post-separation, the Applicant demonstrated resilience and a dedication to self-improvement by pursuing higher education and graduating summa cum laude with a bachelor's degree. They have since excelled in their professional roles, consistently achieving top performance and showcasing a steadfast commitment to excellence.

The DRB concluded that there was no evidence of inequity, impropriety, or a mitigating link between the Applicant's mental health condition and their misconduct. While the Applicant contended that their mental health issues contributed to their behavior, the records did not substantiate a direct connection. Additionally, contrary to the Applicant's claim of inadequate treatment, service records showed they received both outpatient and inpatient mental health care. The Applicant failed to provide their discharge package or sufficient evidence to challenge the presumption of regularity, which assumes military authorities acted fairly and appropriately. Although the Applicant demonstrated commendable post-service achievements, including academic honors and professional excellence, the Board determined that these accomplishments did not outweigh the in-service misconduct or justify clemency. In the absence of substantial evidence to support claims of inequity or impropriety, the Board affirmed the validity of the original 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 marked "PTSD" and "OTHER MENTAL HEALTH" on their application to the DRB and provided no clarifying information on how they developed PTSD or their other mental health condition, nor did they identify the specific nature of the other mental health condition. They are requesting a change to their RE code for reentry based on their mental health diagnosis. They contended that their character of service directly reflected the lack of treatment needed to cope with their mental health concerns. They took full responsibility for their actions, acknowledging that their service was cut short as a result.

2. Did that condition exist/experience occur during military service?
There is no evidence or records indicating that the Applicant's mental health condition of PTSD existed or occurred during their military service. They were first diagnosed with PTSD in 2018, about a year and a half after being discharged from the Air Force. This diagnosis, made by their mental health provider at the VA, attributed the PTSD to constant verbal abuse by a superior during their time in the Air Force.

The Applicant first received mental health treatment during service in 2016, reporting sleep problems caused by anxiety stemming from disciplinary actions, including an Article 15. Increased work-related stress led to frequent panic attacks and suicidal thoughts, resulting in hospitalization.

Following discharge from the hospital, they continued to experience work-related difficulties and emotional distress while awaiting the completion of their administrative separation. Their symptoms eventually stabilized with the help of psychotropic medications and the reduction of situational stressors associated with military service as their discharge approached.

During their service, the Applicant was diagnosed with Adjustment Disorder with Mixed Disturbance of Emotions and Conduct, Adjustment Disorder with Mixed Anxiety and Depressed Mood, Occupational Problem, Suicidal Ideations, Unspecified Anxiety Disorder, Unspecified Depressive Disorder, Major

Depressive Disorder (Recurrent), and Unspecified Mood Disorder by military and inpatient providers.

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

The Applicant's official discharge paperwork was not available or submitted for review, leaving the detailed reasons for their discharge due to misconduct (minor infractions) unknown. Military personnel records indicate that they received at least three Article 15s during service: one for stealing a bottle of cologne at the Base Exchange, another for failing to report to their appointed place of duty on at least three occasions, and a third for using disrespectful language toward a non-commissioned officer. It is possible that additional misconduct, not documented in the available records, contributed to their discharge.

Service treatment records indicate that the Applicant's mental health condition developed in response to receiving disciplinary actions. They reported experiencing anxiety beginning in January 2016, though records show that misconduct occurred prior to this date, as evidenced by an Article 15. There is no evidence that their mental health condition caused, directly impacted, or contributed to any of the misconduct resulting in their Article 15s.

There is also no evidence that the Applicant was experiencing a mental health condition or emotional distress at the time of the documented misconduct leading to their discharge. Although they claimed a lack of treatment to address their mental health concerns, service treatment records contradict this assertion. These records show that they received outpatient and inpatient mental health treatment during service, including psychotropic medications, which stabilized their symptoms near the time of their discharge.

Since the Applicant's discharge paperwork is unavailable for review, the presumption of regularity is applied. No inequity or impropriety was identified in their discharge from a mental health perspective. Therefore, their mental health condition does not excuse or mitigate their discharge.

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

Since the Applicant's mental health condition does not excuse or mitigate their discharge, it also does not outweigh the circumstances of their original discharge to support their request for a change in RE code to allow for reentry. Furthermore, under current regulations outlined in DoDI 6130.03, the Applicant has disqualifying conditions, including a history of suicidal ideation and prior psychiatric hospitalization for any cause. These regulations do not support their request for reentry into the service without a waiver.

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 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 "Under Honorable

Conditions - (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 30 December 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 20762-6435

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

Attachment:
Examiner's Brief (Applicant Only)