

SUMMARY: The Applicant was discharged on 17 October 2012 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 an upgrade of their discharge characterization.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 26 November 2024. The Applicant was/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 failure to go to the appointed place of duty
- LOC for failure to attend the mission crew briefing
- Article 15 for disorderly conduct
- Dereliction of duty for falling asleep on duty while deployed
- Letter of Reprimand (LOR) for showing disrespect toward Noncommissioned Officers

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 asserted that, based on their decorated performance prior to separation and the successful exoneration of their case in court, they sought an upgrade to an Honorable characterization of service. They claimed to have suffered from PTSD stemming from their experiences, including being falsely accused of domestic violence by their former spouse, which led to both the initial charges and police involvement. The Applicant described a combination of hypervigilance, deployment-related threats, and domestic stressors that

triggered a mental health crisis, resulting in behavioral abnormalities and minor misconduct. They noted that all civilian charges had since been expunged and acknowledged as false, and they had been awarded primary custody of their children. Additionally, they had earned a bachelor's degree in Information Technology, maintained a career in the automotive sector for over seven years, and sought recognition of these accomplishments as part of their case for an upgrade.

The DRB determined that the Applicant was discharged due to a pattern of minor misconduct, with no evidence that their diagnosed PTSD contributed to or excused the behaviors leading to separation. At the time of service, the Applicant's responses to disciplinary actions did not establish a link between their misconduct and PTSD. While the board recognized the Applicant's notable post-service achievements, including earning a degree, maintaining stable employment, and securing primary custody of their children, these accomplishments did not outweigh the misconduct during service or warrant an upgrade. The board found no inequity, impropriety, or mitigating circumstances to justify altering the Applicant's discharge characterization.

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 on his application and contended, "Because of my decorated performance prior to separation and my complete exoneration in court, I ask that my Character of service please be considered Honorable. In addition to PTSD resulting from experience in Afghanistan, I was leveraged by my former spouse to both the first sergeant and police through false accusations of domestic violence. The combination of hyper vigilance, war sights, and the deployment threat and home threat resulted in mental crisis. This caused behavioral abnormality/minor misconduct just prior to separation. After separation, all civilian charges have been expunged and recognized as false/fabricated lies by the court, and I was awarded primary custody of my daughter. I have achieved a BS in Information Technology & have held my current career in the automotive sector for 7+ years."

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

There is evidence that the Applicant's mental health condition of PTSD existed during their military service. They were first diagnosed with PTSD from combat stress related to their CDE occurring in 2012. They received outpatient and inpatient/hospital mental health treatment and were diagnosed with PTSD and Depression caused by their deployment experiences during service. There is evidence that they deployed at least twice during service.

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

The Applicant was not discharged from service for domestic violence. They were discharged from service for reasons including failing to go to their appointed place of duty, failing to attend the mission crew briefing, being disorderly, failing to stay awake, and being disrespectful to a noncommissioned officer (NCO). While there is evidence that they had anger issues and were diagnosed with PTSD stemming from their deployment

experiences (with anger being a symptom of PTSD), there is no evidence that the Applicant's mental health condition contributed to their discharge. They provided a couple of responses to their disciplinary actions at the time of service to explain their behaviors, but these explanations did not indicate or support the notion that most of their misconducts (except one—being disrespectful to an NCO) were caused by PTSD. 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 their discharge. No inequity or impropriety has been identified with their discharge from a mental health perspective.

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 "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 23 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://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)