

**SUMMARY:** The Applicant was discharged on 27 March 2017 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Uncharacterized Entry Level Separation for Fraudulent Entry into Military Service. The Applicant appealed for an upgrade of their discharge characterization, a change to 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 22 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 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 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 and their counsel attested that the applicant was discharged from the military due to diagnoses of high-functioning autism (Asperger's Syndrome) and PTSD. Counsel argued that the applicant's autism did not hinder their ability to excel in the workplace or serve their country. The applicant had spent the past seven years managing their condition and had since earned both a bachelor's and a master's degree. They also currently work as an open-source intelligence analyst for an institute. Additionally, counsel pointed out that autism spectrum disorder is not considered a disqualifier for military service under the Air Force medical standards directory.

The DRB determined that there was no inequity or impropriety in the discharge, as it resulted from the applicant's willful failure to disclose pre-existing conditions, specifically PTSD and Asperger's Syndrome, during the military application process. These conditions were known to the applicant prior to service, and their omission was considered a fraudulent entry, leading to an entry-level separation. Additionally, the applicant expressed a desire to leave the military during discharge processing due to the stress of the military

environment, further indicating that the separation was not solely related to the medical conditions but was also the applicant's personal choice. The applicant was given the opportunity to apply for a waiver but declined, instead opting for an entry-level separation, reinforcing the board's conclusion that the discharge was proper and in accordance with military regulations.

**LIBERAL CONSIDERATION:** The Board considered the Under Secretary of Defense memorandum, *Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records (BCMRs/BCNR) by Veterans Claiming Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI)*, dated 24 February 2016, commonly known as the "Carson Memo." Specifically, cases considered previously, but without benefit of the application of Liberal Consideration, shall be, upon petition, granted a de novo review utilizing the Supplemental Guidance. The Board found that it did not apply Liberal Consideration when it considered the case previously; therefore, the Board determined the case was eligible for de novo review, incorporating the Supplemental Guidance.

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:

The Applicant checked the box for "PTSD" and "other mental health" on the application. The Applicant contended, "I believe the Board should grant the requested change because for my discharge to be equitable, my PTSD and/or Autism would have had to be interfering with my training and ability to execute my duties according to rank and grade. As neither was doing so, I feel it is inequitable for me to have been separated and barred from subsequent service."

Liberal consideration does not apply to this Applicant's request. There is evidence that the Applicant's condition of PTSD existed before service (EPTS) and resulted in their discharge from another branch of military service. There is also evidence that the Applicant's diagnosis of Autism existed before service, with no indication of service aggravation. EPTS conditions without evidence of service aggravation are excluded from the intent of liberal consideration.

The discharge review board is not the waiver authority for pre-existing conditions and will not opine on the Applicant's fitness for duty or current appropriateness for military service.

At the time of the Applicant's discharge, there is no evidence to suggest that the discharge was improper or inequitable. Based on a review of the Applicant's records, the Applicant willfully failed to disclose pre-service mental health conditions at the time of entry into the Air Force, which resulted in the Applicant's uncharacterized Entry Level Separation due to fraudulent entry into military service. Additionally, a review of the Applicant's records revealed that during the discharge process, the Applicant expressed that the military was not their preferred lifestyle and requested separation due to the stress of the military environment.

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 “Uncharacterized,” the narrative reason for separation shall remain “Fraudulent Entry into Military Service,” and the reentry code shall remain “2C.” The DRB results were approved by the Presiding Officer on 15 November 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)