

**SUMMARY:** The Applicant was discharged on 05 September 2014 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with a General discharge for Misconduct (Other). The Applicant appealed for an upgrade of their discharge characterization and a change to the discharge narrative reason.

The Applicant appeared and testified before the Discharge Review Board (DRB), with counsel, via video teleconference using Zoom on 24 September 2024. No witnesses were present to testify on the Applicant's behalf.

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 Reprimand for receiving a speeding ticket for exceeding the legal limit by over 25 mph.
- Article 15 for Illegally making physical contact by pushing another member with their hand.

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's attorney asserted that the applicant was diagnosed with persistent depressive disorder during military service, which contributed to and should excuse the conduct that led to their discharge. The applicant requested an upgrade in their discharge status on the grounds of equity, arguing that their mental health condition had affected their performance. Additionally, the applicant highlighted their positive contributions to the community post-discharge and claimed their misconduct was minor.

In a personal letter to the board, the applicant described facing discrimination for being gay, working in a male-dominated unit, and experiencing a toxic work environment with sexual harassment, which led to feelings of alienation and depression. After a PCS move, they continued to endure harassment and misogyny, resulting in a decline in work performance. The applicant stated they had been diagnosed with persistent depressive disorder, experienced suicidal thoughts, attempted suicide multiple times, and were admitted to an inpatient psychiatric unit twice.

After discharge, the applicant's symptoms worsened due to reduced support, leading to further suicide attempts. However, they eventually received help from Veterans Affairs, began school with an academic scholarship, and engaged in volunteer and leadership roles, including advocacy with groups like the ACLU Ohio. The applicant also secured employment as a Veterans Services Officer and was promoted within six

months. They argued that their current discharge characterization negatively impacted their well-being and self-worth and that an upgrade would remove financial barriers to home ownership and access to state and privately funded grants.

The DRB determined that the applicant was discharged due to a pattern of misconduct, with the most serious offense involving physical contact. This behavior was considered significant and did not qualify for liberal consideration under mental health conditions, as it involved harm to others. Although the applicant was diagnosed with persistent depressive disorder and reported harassment and mental health struggles during service, the board found insufficient evidence to directly link these factors to the misconduct that led to their discharge. While the mental health condition may have contributed to some behavioral issues, it did not justify or excuse the applicant's actions, particularly the physical altercation. Despite the applicant's positive post-service conduct, including furthering their education and contributing to the community, the board concluded that these efforts did not outweigh the gravity of the in-service misconduct.

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 two to one to *deny* the Applicant's request to upgrade their discharge characterization and to change the discharge narrative reason.

Should the Applicant wish to appeal this decision, the Applicant must seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

**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 (Other)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) 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)