

SUMMARY: The Applicant was discharged on 19 March 2014 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, a change to the 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 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 Applicant's record of service included the following documented misconduct leading up to their discharge:

- Article 15 for drunk and disorderly conduct, disrespectful language toward a noncommissioned officer, disobeying a direct order from a Security Forces member, and attempt to assault a Security Forces member.
- Article 15 for drinking underage.
- Letter of Counseling for failing to follow a lawful order when absent from base appearance team.

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 discharge characterization from Under Honorable Conditions (General) to Honorable to further their education utilizing the G.I. Bill. They also requested their reentry code to be upgraded for the opportunity to reenlist or commission into the Air Force or any other U.S. military branch once they have attained further education, under-graduate and/or graduate degree. The Applicant provided their DD 214, college enrollment certificate, and associates degree diploma.

The Discharge Review Board (DRB) concluded that the Applicant did not provide any specific contentions or arguments regarding their discharge from the Air Force. Despite the lack of contentions, the DRB acknowledges the potential consequences of the Applicant's current discharge characterization, specifically that it renders them ineligible for educational benefits from the Department of Veteran Affairs (VA). However, the DRB emphasizes that the Applicant's ineligibility for VA benefits is not a matter of inequity or impropriety that would justify an upgrade of their discharge characterization. The DRB's authority is limited to reviewing discharges for equity and propriety, and it does not have the power to upgrade a discharge solely for the purpose of facilitating access to VA benefits.

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 box for "other mental health" on the application. The Applicant made no other claims regarding an in-service mental health condition. The Applicant contended "seeking discharge upgrade to honorable for post 9/11 GI bill educational benefits and the opportunity for re-enlistment."

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

There is no evidence the Applicant sought or received any mental health treatment during his time in service. There is no evidence the Applicant exhibited any clinically significant features of a mental health condition, during their time in service. There is evidence the Applicant was referred to ADAPT on multiple occasions during their time in service for maladaptive alcohol use in social settings.

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 a general character of service due to misconduct (minor infractions) with one year, four months, fourteen days time in service. Based on a review of the Applicant's discharge package, the misconducts that led to the Applicant's discharge included being absent from duty, underage alcohol use, and drunk and disorderly conduct. A review of the Applicant's response to discharge revealed the Applicant concurred with their general discharge characterization and thanked the discharge authorities for the opportunity to serve in the Air Force. The Applicant made no contentions, nor is there any evidence, that an in-service mental health condition caused or substantially contributed to the misconduct that led to their discharge.

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

There is no evidence the Applicant had a mental health condition in service. Based on the available evidence in the Applicant's records, there is evidence the Applicant chose to use alcohol in a way that was incompatible with military service, which may explain the Applicant's misconducts, but it does not mitigate nor outweigh the Applicant's discharge.

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, and to change the discharge narrative reason, to change the reentry code, and to change the separation code.

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 25 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)

