

SUMMARY: The Applicant was discharged on 13 May 2020 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General Discharge for Misconduct (Minor Infraction). 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 26 June 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 multiple Letters of Reprimand, and multiple Letters of Counseling. Their misconduct included: failure to pass a Quality Assessment Evaluation, providing a false statement, driving under the influence, failure to make the minimum payment on their card (2 instances), Failure to report for duty on time, dereliction of duty

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 contends that their 30% rating for anxiety and depression from the Department of Veterans Affairs (VA) is due to conditions developed during their time in the Air Force. They argue that these mental health issues, stemming from lack of care and staffing by the command, prevented them from performing optimally and made life extremely challenging. The Applicant has submitted their VA claims letter to support this request for relief.

The DRB found The Applicant's history reveals a consistent pattern of misconduct throughout their career. there appeared to be an ongoing trend of disregarding the rules and regulations. The Applicant did not provide sufficient evidence to overcome the presumption of regularity or to establish a significant mental health connection that would mitigate the misconduct. The VA rating submitted by the Applicant, operating under different standards, does not outweigh the documented misconduct. Therefore, the discharge was deemed proper and equitable.

LIBERAL CONSIDERATION: Due to 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 contended "My service connected PTSD confirmed after discharge (per VA claim letter) had contributed to the minor infractions leading to my General Under Honorable rather than Honorable discharge." The Applicant also contended "I have been working the last three years to understand and overcome my PTSD. I now recognize my PTSD contributed to my struggles while on active duty."*

2. Did that condition exist/experience occur during military service? *Based on a review of the available in service records, there is no evidence the Applicant exhibited or endorsed any clinically significant features of PTSD during his time in service. There is evidence the Applicant was seen for one session by a mental health provider during his time in service and reported difficulty coping with family stressors and symptoms of anxiety. The Applicant's records revealed the Applicant declined further mental health services or referrals and did not return to the mental health clinic for the remainder of time in service. There is evidence the Applicant was command referred to ADAPT during their time in service after being charged with a DUI and underage drinking.*

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 two years, eleven months, fourteen days time in service. A review of the Applicant's discharge package revealed the Applicant received five letters of reprimand, two letters of counseling, and an administrative demotion. The Applicant's misconducts included dereliction of duties, failing to pay their Star Card, failing to report to work on time, and underage drinking.*

Based on a review of the available in service records, there is no evidence the Applicant exhibited or endorsed any clinically significant features of PTSD during time in service. There is evidence the Applicant was seen for one session by a mental health provider during their time in service and reported difficulty coping with family stressors and symptoms of anxiety. The Applicants records revealed the Applicant declined further mental health services or referrals and did not return to the mental health clinic for the remainder of time in service. The records revealed the Applicant was drinking socially with peers at the time of the misconduct and willfully choose to drive while intoxicated. There is no evidence of a mitigating mental health nexus. There is evidence the Applicant exhibited and endorsed difficulty adjusting to the military lifestyle and poor coping skills which may explain the Applicant's misconducts, but it does not constitute a mitigating mental health condition and does not excuse the misconduct(s) that led to the Applicant's discharge.

The Applicant submitted their VA rating as evidence in support of their claim. The Applicant did not provide any information or testimony about the trauma he experiences during their time in service nor did the Applicant submit any post-service civilian treatment records for review. There is no evidence or records the Applicant is established with a VA for post-service healthcare. Regarding the Applicant's concurrence with their VA ratings, the VA, operating under a different set of laws than the military, is empowered to offer compensation for any medical or mental health condition with an established nexus to military service, without regard to its impact on a member's fitness to serve, the narrative reason for release from service, or the length of time that has transpired since the date of discharge. The VA may also conduct periodic reevaluations for the purpose of adjusting the disability rating as the level of impairment from a given condition may improve or worsen over the life of the veteran. At the "snapshot in time" of the Applicant's

service, there is no evidence a mental health condition caused or mitigated the misconducts that led to the Applicant's discharge.

4. Does that condition or experience outweigh the discharge? *The Applicant's discharge is not mitigated or excused, therefore the Applicant's discharge is also not outweighed.*

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 "General," the narrative reason for separation shall remain "Misconduct (Minor Infraction)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 4 August 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://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)

