

SUMMARY: The Applicant was discharged on 17 May 2021 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Other Than Honorable Conditions character of service for Misconduct (Minor Infractions). The Applicant appealed for an upgrade of their character of service.

The Applicant requested the Board be completed based on a records-only review. The Board was conducted on 31 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 Applicant's record of service included the following documented misconduct leading up to their discharge:

- Article 15 for attempting to obtain the full names and social security numbers of 32 Airmen and for fraudulently obtaining \$500 from a civilian member.
- Letter of Reprimand (LOR) for unlawfully possessing Xanax and introducing it onto an Air Force Base.

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 contended that their service characterization does not accurately reflect their service record and honorable contributions to the military. The Applicant contended that they were struggling with the unexpected loss of their grandmother, but it was overlooked by their First Sergeant. They state their negative experience along with the weight of their job of taking lives every other day sent them into depression. The Applicant stated they are currently seeking counsel to deal with their anxiety due to being in the Air Force.

The Applicant was discharged for minor disciplinary infractions. The Applicant's case was reviewed by an

administrative discharge Board, and after considering all the evidence, found that Applicant abused drugs by possessing and introducing Xanax, a Schedule IV controlled substance, onto an Air Force Base; did obtain and distribute the full name and social security numbers of 9 airmen; did obtain and distribute the full name and social security numbers of 23 airmen; and did knowingly and with intent to defraud, used an access device without authorization to obtain money of a value of about \$500.

The DRB determined there was insufficient evidence of a mental health condition that mitigates or excuses the misconduct that led to the Applicant's discharge. Additionally, the DRB found that the command considered the Applicants service record and honorable contributions to the military, and in weighing the Applicants misconduct, found no inequity or impropriety in the Applicants discharge.

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 PTSD and other mental health on their application. In their letter to the Board the Applicant stated the weight of taking lives every other day for our nation sent me into a deep depression. No depressive or anxiety symptoms were mentioned.

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

There is insufficient evidence the Applicant was assessed with PTSD or any other mental health condition.

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

There is no evidence the Applicant's record that they were ever diagnosed with PTSD or any other mental health condition. The Applicant did not submit any evidence or encounters to support their contention of PTSD or any other mental health condition. This psychiatric advisor concludes that there are no psychological factors that would mitigate their misconduct of attempting to obtain the full names and social security numbers of 32 Airmen and fraudulently obtaining \$500 from a civilian.

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

The Applicant's mental health condition does not excuse or mitigate their discharge and there is no evidence of a condition or experience that outweigh the 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 character of service.

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 Other Than Honorable Conditions," 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)