

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT****CASE NUMBER  
FD-2024-00307**

**SUMMARY:** The Applicant was discharged on 06 May 2022 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions - (General) discharge for Pattern of Misconduct. The Applicant appealed for an upgrade of their discharge characterization.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 14 November 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 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 leaving their appointed place of duty without authorization and absent from their place of duty on separate occasion.

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 their service connected and post-service disability (depression) should allow their upgrade.

**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 "PTSD" on the application and stated, "Within this response to the request on my change to my characterization, I strongly believe that the Board should allow an upgrade (change) to be allowed because of a connected disability that emerged within my timeframe within service and coming out of service/currently. My connected disability (depression) is attached (Prescription) and it should hopefully allow the upgrade to occur because of the unexpected health condition."*

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

*There is no evidence that the Applicant sought or received any mental health treatment during their time in service. There is no evidence that the Applicant exhibited or endorsed any clinically significant features of PTSD or any other mental health condition during their time in service. The Applicant's in-service records indicate they attended marital counseling related to marital and cultural issues with their partner. A review of the Applicant's post-service records revealed they endorsed symptoms of depressed mood after their spouse and children left them. There is no evidence that the Applicant received a diagnosis of PTSD or any other mental health condition during their time in service.*

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

*A review of the Applicant's DD214 revealed they were discharged with a general character of service due to a pattern of misconduct after serving six years, three months, and seven days. The Applicant's in-service records show that their mental health was fully considered by their command and discharge authorities during the discharge process. The records also reveal that the Applicant refused to participate in a command-directed mental health evaluation and did not receive any mental health services during their time in service. Additionally, the Applicant was command-referred to Family Advocacy Services due to allegations of physical and emotional maltreatment of their domestic partner.*

*It is unlikely that the Applicant's claimed in-service mental health condition of depressed mood caused or substantially contributed to the willful misconduct that led to their discharge. Premeditated misconduct, and misconduct involving harm to others, is generally excluded from the scope of liberal consideration. This includes the Applicant's willful and premeditated disregard for job duties, failure to follow orders, and maltreatment of their partner.*

*The Applicant submitted photos of prescriptions for mirtazapine, quetiapine, and albuterol from the VA as evidence in support of their claim. However, while the VA can establish a nexus between medical or mental health conditions and military service under its own criteria, this does not necessarily align with the military's standards for fitness to serve or discharge decisions. At the "snapshot in time" of the Applicant's service, there is no evidence that they had a mental health condition that caused or mitigated the misconduct that led to their discharge.*

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

*A review of the Applicant's in-service records revealed that their mental health was fully considered by their command and discharge authorities during the discharge process. Premeditated misconduct, and misconduct involving harm to others, is generally excluded from the scope of liberal consideration. This includes the Applicant's willful and premeditated disregard for job duties, failure to follow orders, and maltreatment of their partner. As the Applicant's discharge is neither mitigated nor excused by a mental health condition, their discharge is also not outweighed by the condition.*

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.

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 Honorable Conditions - (General)," the narrative reason for separation shall remain "Pattern of Misconduct," and the reentry code shall remain "2B." The DRB results were approved by the Presiding Officer on 27 December 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://afrbportal.azurewebsites.us>

Attachment:  
Examiner's Brief (Applicant Only)

