

SUMMARY: The Applicant was discharged on 10 October 2009 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions (General) character of service for Misconduct (Minor Infractions). The Applicant appealed for an upgrade of their character of service, 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 12 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:

- Letter of Reprimand (LOR) for being separated from their partner during entry control point duties as a security forces member.
- Article 15 for sleeping while on post as a security forces member.
- LOR for failing to complete physical security checks. Also, involved in a minor vehicle accident and failed to report the incident in a timely manner.
- Article 15 for falling asleep behind the wheel while on duty, then drove over a curb, knocked over a fire hydrant, and crashed into a tree. Did not properly notify their supervisor of all the medications they were taking or the side affects.

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 the trauma they experienced during deployment resulted in a Post Traumatic Stress Disorder (PTSD) diagnosis by the VA that they state hindered their performance in service.

The Applicant provided the following documents in support of their claim: DD 214, *Certificate of Release or Discharge from Active Duty*; VA ID Card with Service Connection; VA Mental Health Records; Resume; VA Disability Letter; College Acceptance Letter.

The Applicant was discharged for a pattern of misconduct that included sleeping while on post on two occasions, one of which resulted in an auto accident that caused property damage, and instances of dereliction of duties.

The DRB determined there was insufficient evidence that a mental health condition excused or mitigated the Applicant's misconduct that led to their 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 the box for "PTSD" on the application. The Applicant contended "I was deployed to Incirlik AB, Turkey, and assigned to [squadron] from [dates]. I received hostile fire and imminent danger pay because of the constant danger in the area, the fear of severe injury and death. Witnessing the near-death experience of a Humvee rollover of a fellow service member, along with my suitemate in my barracks room committing suicide not six feet from me from a medication overdose affected my mental state severely. Due to this trauma, I accrued PTSD. My PTSD symptoms greatly hindered my performance on my follow-on assignment with [squadron] in [location].

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

Based on a review of the Applicant's records, the Applicant was seen by a mental health provider for one session during their discharge processing and reported symptoms of stress related to discharge. There is no evidence the Applicant exhibited or endorsed any clinically significant features of PTSD, or any other mental health condition during their time in service. There is no evidence or records to substantiate the Applicant's contention that they developed PTSD 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 the Applicant was discharged with a general character of service due to misconduct (minor infractions) with two years, eight months twenty five days' time in service. A review of the Applicant's in-service records revealed the Applicant received two Article 15s and two Letters of Reprimand during their brief time in service. A review of the Applicant's misconducts revealed the Applicant accepted the punishments associated with the misconducts, although denied committing the misconducts or attributed them to other sources or persons, specifically medication, being misinterpreted as sleeping, and being left on site by another person. It is unlikely a mental health condition would shift the responsibility for the Applicant's actions to others or have contributed to the Applicant's explanations of events as documented in their responses to their disciplinary actions.

A review of the Applicant's records revealed the Applicant enlisted in the Army Reserves approximately two years after their discharge from the Air Force and denied any mental health symptoms during their Army entrance exams. Based on the available records, there is no evidence the Applicant endorsed or exhibited any clinically significant indicators of a mental health condition during their time in service. There is no evidence a mental health condition caused or contributed to the misconduct that led to Applicant's discharge.

The Applicant submitted their VA compensation and pension record as evidence in support of their claim. A review of the Applicant's in-service and post-service records revealed contradictory information about the Applicant's in-services experiences. Based on the available evidence and records, the Applicant's mental health condition is as likely as not developed post-service. Regarding the Applicant's concurrence with their VA rating and diagnoses, 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 the Applicant had a mental health condition that caused or mitigated the misconduct(s) 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 by an in-service mental health condition and 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 "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 15 November 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)