

SUMMARY: The Applicant was discharged on 13 September 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Uncharacterized discharge for Fraudulent Entry. The Applicant appealed for a change to the reentry code.

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 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 mental health condition that resulted in their Entry Level Separation has been resolved, due to the help they received from talking with their therapist, as well as the people in their family and prepared for the military once again.

The Applicant provided the following documents in support of their claim: Entry Level Separation Medical Waiver Decision.

The DRB determined that the applicant was discharged for fraudulent entry due to their failure to disclose a significant mental health history during the Military Entrance Processing Station (MEPS). This undisclosed history included non-suicidal self-injury and suicidal ideation, conditions that would have disqualified the applicant from military service. The omission of this information directly led to their discharge.

Although the applicant stated that their mental health condition had been resolved through therapy and family support, they did not provide substantive evidence to substantiate this claim. No medical records,

character references, employment history, or other documentation demonstrating post-discharge stability or achievements were submitted. The board concluded that the characterization of the discharge and the assigned reentry code were appropriate and in compliance with applicable regulations, with no evidence of inequity or impropriety.

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 contends that the Board should grant their request because the initial reason for their Entry-Level Separation (ELS) has been resolved with the help of their therapist and family. They feel ready and prepared for military service once again.

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

There is no evidence or records indicating that the applicant had any mental health conditions during their service. Their history of self-harm, suicidal ideation (SI) with a plan, and mental illness (MI) occurred prior to their military service and were pre-existing (EPTS) conditions. There is no evidence or records that the applicant engaged in or experienced these behaviors or thoughts during service.

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

The applicant was discharged from service for fraudulent entry because they failed to disclose their significant mental health history during the Military Entrance Processing Station (MEPS). Had they disclosed these conditions and history during MEPS, they would have been disqualified from enlisting in the Air Force. The applicant requested a waiver to remain in service after their history and EPTS conditions were disclosed but was denied because their conditions were too serious and did not meet the criteria for a medical waiver. Their EPTS mental health conditions caused their discharge but do not excuse or mitigate it. Additionally, there is no evidence that their EPTS conditions were aggravated by their military service or duties.

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

Since the applicant's mental health conditions, which were EPTS, do not excuse or mitigate their discharge, they also do not outweigh the original discharge. It is noted that the applicant was discharged under ELS due to fraudulent entry for failing to disclose their EPTS conditions. There is no inequity or impropriety identified with the reason for their discharge from a mental health perspective. The applicant was issued a reentry (RE) code of 2C because they were discharged under ELS, having served less than 180 days of continuous active-duty service. This RE code is consistent with regulations, and there is no inequity or impropriety identified with their RE code as well.

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 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 “Uncharacterized,” the narrative reason for separation shall remain “Fraudulent Entry,” and the reentry code shall remain “2C.” 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://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)

