

**SUMMARY:** The Applicant was discharged on 28 December 2022 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 and a change to the narrative reason for separation.

The Applicant requested the Board be completed based on a records-only review. The Board was conducted on 31 October 2024. The Applicant was not represented by counsel.

The attached 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 failing to go to their appointed place of duty and lying to leadership on their whereabouts.
- LOR for an escort/sponsorship of a foreign national violation.
- Article 15 for operating a vehicle while their alcohol concentration exceeded 0.09.

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 provided no contention remarks in their application, but checked the box for Post Traumatic Stress Disorder (PTSD) and Other Mental Health conditions related to their request.

The Applicant provided the following documents in support of their claim: Security+ Certification; VA Rating; Alcohol and Drug Abuse Prevention and Treatment (ADAPT).

The DRB determined there was insufficient evidence of a mental health condition that excuses or mitigates the Applicants misconduct that led to their discharge. The DRB found the discharge to be proper and equitable.

**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 check marked the boxes for PTSD, other mental health and intimate partner violence/domestic violence. They made no specific contention. The Applicant did not provide any information regarding their mental health conditions, or clarifying information about how these conditions affected or caused their misconduct in service leading to their discharge.*

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

*There is no evidence that the Applicant suffered from PTSD, and no evidence of intimate partner violence/domestic violence. The treatment record showed no report of violence or symptoms of PTSD. The ADAPT initial evaluation noted the patient denied past Mental Health (MH) history and no MH condition was assessed. There was no report of trauma or domestic violence. The Applicant was unmarried and living in the dorm. After three sessions for alcohol abuse, their case was closed. The Applicant presented to MH for feeling depressed over the last few months due to being charged with a Driving Under the Influence (DUI). They entered therapy and attended several sessions. The Applicant was diagnosed with adjustment disorder with mixed anxiety and depressed mood, six months after the DUI incident.*

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

*There is no evidence that a mental health condition or experience excuses or mitigated the discharge. As noted above, the Applicant provided no information relating their discharge to a mental health condition. The only mental health condition documented in the record is adjustment disorder, which was diagnosed six months after the incident.*

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

*There is no evidence that a mental health condition or experience that excuses or mitigates the Applicant's discharge and their condition also does not outweigh the original discharge. Therefore, there is insufficient evidence of any error or injustice identified with their discharge process from service.*

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 or to change the narrative reason for separation.

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 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)