

SUMMARY: The Applicant was discharged on 13 May 2009 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions (General) discharge for Misconduct (Minor Infractions). The Applicant appealed for an upgrade of their discharge characterization and a change to the discharge narrative reason.

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 failing to go at the time prescribed to their appointed place of duty.
- Vacation of Article 15 for failing to go at the time prescribed to their appointed place of duty.
- Removal from Air Traffic Control career field for failure to obtain a rating.

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 there was an extremely toxic environment in the Air Traffic Control course. Despite this, they stated they continued to strive to excel in their role but were assigned a new trainer who emulated the toxic behavior encouraged by junior NCOs. The Applicant states they began suffering from constant and intense sleep disruptions and sought medical attention, but their supervisor and other NCOs manipulated and misled them. Their mental state continued to decline, leading to further incidents of tardiness and the beginning of an inability to concentrate and focus on the job at hand. This resulted in an Article 15 and the loss of rank. Despite their supervisor's commendation of them as a valuable member of the Air Force, they

were stated they were discharged from the service due to the abusive and uncontrolled individuals in their environment. The Applicant states they were later diagnosed with Acute Anxiety Disorder, Major Depressive Disorder, and Chronic Post-Traumatic Stress Disorder, all traceable to the abuse suffered during their time in the service. They request the board reconsider the circumstances of their discharge and grant clemency to change the characterization of their discharge to Honorable, change their separation code to indicate service-related PTSD, and the narrative reason for their separation to trauma stemming from service-related abuse.

The Applicant provided the following documents in support of their claim: DD 214, Certificate of Release or Discharge from Active Duty; Sleep-related Appointments; Therapeutic Record; Psychiatric Records; AF Form 910, Enlisted Performance Report; Memorandums Related to AFSC Suspension; DD Form 1966, Record of Military Processing.

The DRB determined that the Applicant's documented pattern of misconduct and inability to progress in training supported the characterization of their service as "Under Honorable Conditions (General)." The training team unanimously concluded that the Applicant failed to meet performance standards due to rudimentary errors, poor situational awareness, and difficulty accepting feedback, which created potential hazards to flight safety. While the Applicant attributed their removal from the Air Traffic Control (ATC) career field to a toxic training environment, they did not reference mental health conditions as a factor in their February 25, 2009, response to the AFSC withdrawal notification. Additionally, the Applicant's claims of abusive trainers and leadership contributing to mental health decline were not corroborated by the available records.

The Applicant's contention that sleep problems caused their tardiness could not be substantiated without the complete discharge package, and no evidence was provided to connect their medical condition to other misconduct. Applying the presumption of regularity, the board found no evidence of inequity or impropriety in the discharge process. The Applicant's overall pattern of misconduct and inability to meet training requirements reinforced the appropriateness of the "Under Honorable Conditions (General)" characterization of service.

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 contended that shortly after arriving at their duty station, and continuing throughout their time at this duty station, they began suffering from constant and intense sleep disruptions, including insomnia, vivid nightmares, and panic attacks. As their sleep degraded, it became increasingly difficult to rest, leading to incidents of tardiness in reporting to duty. Recognizing these challenges, the Applicant requested counseling, psychotropic medications, and either a transfer or retraining. They claimed that supervisors and other NCOs manipulated and misled them, and that following their guidance would ultimately end their career. Without medical or psychiatric assistance, their mental health declined, and

coupled with what they described as abusive and ineffective training, this led to incidents of tardiness and an inability to concentrate on their job, which resulted in an Article 15.

The Applicant stated that they were informed by their commander that failure to pass training would result in immediate discharge. Their EPR was later downgraded to the point of withdrawal from training. They claimed the Chief Controller intentionally placed them in a situation to fail and alleged that their trainers were abusive and unregulated, with leadership ignoring these behaviors. In 2016, five years after their discharge, the Applicant reported experiencing severe mental health issues, including constant nightmares and panic attacks. They sought psychiatric care and were diagnosed with Acute Anxiety Disorder, Major Depressive Disorder (MDD), and Chronic PTSD, which they attributed to the abuse they endured during their service. The Applicant believed their mental health decline, caused by the alleged abuse, ultimately led to their discharge and requested an upgrade for this reason.

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

There is evidence that the Applicant reported depression, stress, and sleep problems during service, and they met with their PCM on December 3, 2007, for these issues. Their PCM attributed the sleep problems primarily to difficulties adjusting to a small town after moving from Austin with their spouse and noted that the Applicant's work was reportedly going well. Most of the issues appeared to be related to their home environment and discord with their spouse. There is no evidence of nightmares, panic attacks, or that these problems caused occupational difficulties or were triggered by work-related stress during service. The Applicant was diagnosed with Acute Anxiety Disorder, MDD, and Chronic PTSD several years after discharge, and there is no evidence that these conditions existed or occurred during their military service.

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

The Applicant's official discharge paperwork is not available or was not submitted for review, so the full reasons for their discharge are unknown. However, their DD Form 214 indicates they were discharged for misconduct (minor infractions). Military records show they received at least two Article 15s on September 10, 2008, and November 17, 2008, both for failing to report to their prescribed duty location. Additional misconduct contributing to their discharge may also exist.

While it is possible the Applicant's sleep problems contributed to the two Article 15s for failing to report, this cannot be confirmed without additional documentation. Moreover, in their February 25, 2009, response to the notification of AFSC withdrawal, the Applicant attributed the withdrawal to a poor training environment but did not mention mental health conditions as a contributing factor to their withdrawal or work difficulties. Due to the missing paperwork, the presumption of regularity is applied, and no inequity or impropriety was identified with the Applicant's discharge from a mental health perspective. Therefore, the Applicant's mental health condition does not excuse or mitigate their discharge.

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

Since the Applicant's mental health condition does not excuse or mitigate their discharge, it also does not outweigh their original 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 discharge characterization and to change the discharge narrative reason.

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)" and the narrative reason for separation shall remain "Misconduct (Minor Infractions)." 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)

