

**SUMMARY:** The Applicant was discharged on 29 December 2021 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Misconduct (Minor Infractions). The Applicant appealed for a change to the reentry code.

The Applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using Zoom on 24 September 2024. No witnesses were present to testify on the Applicant's behalf.

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 wrongfully appropriating a car valued at approximately \$20,000
- Letter of Reprimand (LOR) for being arrested for Grand Theft Auto.
- Article 15 for fraudulently presenting temporary duty orders to secure reimbursement for an automobile accident, soliciting a Master Sergeant to provide a false statement for the insurance claim, and falsely claiming a storage discount on their auto insurance premium.
- LOR for being arrested by the local police department for domestic battery.

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 acknowledged that they were young and made mistakes but had since grown into a mature individual. They had taken steps to address their reentry code, a process they wouldn't have pursued years ago. The applicant admitted their past wrongs and felt they had paid the price for their actions. At the time, they and their family were ready to move forward, with a renewed desire to serve their country, as they were

more stable, mature, and fully understood their past mistakes. The applicant attributed their earlier struggles to trauma at home and the influence of someone they trusted, which ultimately led to the loss of their home, car, and almost their child, with no support and judgment from others at their unit. They were seeking a second chance from the Board to prove they were worthy of it.

The DRB concluded that the applicant demonstrated consistent misconduct during their service, including arrests, fraudulent claims, and other disciplinary actions, reflecting a persistent disregard for military rules and regulations. Although the applicant acknowledged their mistakes and requested a second chance, they failed to provide supporting documentation, such as character references or proof of meaningful post-service rehabilitation, to show significant personal growth or change. The board also questioned the applicant's motivation and readiness to reenter military service. While they recognized the applicant's maturity in managing familial responsibilities, including motherhood, they were not persuaded that this personal development reflected a sufficient commitment to meet military standards. The applicant did not claim their discharge was unjust or unfair; instead, they sought reconsideration purely for a second chance. However, this request was deemed insufficient without evidence of rehabilitation or exceptional post-service behavior. Consequently, the board determined that the applicant's discharge status should remain unchanged.

**LIBERAL CONSIDERATION:** Due to 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 "other mental health" and "intimate partner violence/domestic violence" on the application. The applicant made no other claims or contentions regarding why these boxes were checked or how they contributed to the misconduct that led to her discharge. The applicant contended "I was young and made enough mistakes, but I've grown into a very mature young woman even taking this step to get this reentry code overturned is not one I would've taken two years ago. I acknowledge I was wrong in my mistakes and feel I've paid the price my actions have affected my me and also my children I'm ready to move forward with my career and serve country as I once did before with way more stability and maturity then last time I understand my past had mistaken that hard to overlook I was young had a lot of trauma from home following home and instead of asking for help I didn't 'snitch' and let someone I thought cared about me ruin my career and stress me out until I almost lost my baby I lost my house and car I had no support and nowhere to turn I didn't have guidance at my base everyone judged me and added so you can they destroy me I would like this second chance to prove I am worthy of one I have not been in any trouble since then I'm just looking for my redemption please consider my 2B"*

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

*Based on a review of the applicant's records and as noted by the previous board review, there is no evidence the applicant sought or received any mental health services during her time in service. There is no evidence the applicant exhibited or endorsed any clinically significant indicators of a mental health condition during her time in service. There is evidence the applicant was command referred to Family Advocacy Program due allegations of bi-directional intimate partner maltreatment.*

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

*Based on a review of the applicant's records, the applicant was discharge due to misconduct, minor disciplinary infractions, including misappropriation of a vehicle, making false claims with intent to defraud, and violence against another person. There is no evidence the applicant sought or received any mental health treatment during her time in service. There is no evidence the applicant exhibited any clinically significant features of a mental health condition, during her time in service. There is no evidence a mental health condition caused or mitigated the misconduct(s) that led to the applicant's discharge.*

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

*Based on the available records and testimony, it is as likely as not the applicant's mental health symptoms developed post service. Because there is no evidence the applicant exhibited or endorsed any symptoms of a mental health condition during her time in service that mitigated or excused her discharged, the applicant discharge is also not outweighed by a mental health 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 two to one to deny a change the reentry code.

Should the Applicant wish to appeal this decision, the Applicant must seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

**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 "General," the narrative reason for separation shall remain "Misconduct (Minor Infractions)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 23 October 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 20762-6602

Instructions on how to appeal an AFDRB decision can be found at  
<https://afrbportal.azurewebsites.us>

Attachment:  
Examiner's Brief (Applicant Only)