

SUMMARY: The Applicant was discharged on 09 October 2009 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions (General) discharge for Misconduct (Serious Offense). 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 to their appointed place of duty at the time prescribed.
- Absent Without Leave (AWOL) and placed into Deserter status
- Referral Evaluation for being AWOL. Reported to work late on multiple occasions.

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 stated their service ended following a court-martial for being AWOL. The applicant claims that their actions were heavily influenced by untreated and unrecognized mental health issues that were a result of the maltreatment and racial discrimination they endured while stationed at Tinker AFB. The applicant states that the current discharge status and narrative reason for separation are not only punitive but also misrepresentative of the context in which their actions occurred. An upgrade in their discharge status will allow them to fully utilize their GI Bill benefits to pursue further education and career opportunities and rectify the record that unfairly portrays their service and the challenges they faced.

determined that the applicant was discharged for serious misconduct, including being AWOL, which escalated to deserter status, as well as other infractions such as tardiness and failure to report to their appointed place of duty. Although the applicant claimed their actions were influenced by untreated mental health issues stemming from maltreatment and racial discrimination, they provided no evidence to substantiate these allegations. The board found no basis to conclude that the applicant's mental health condition excused or mitigated their misconduct.

The applicant argued that stress and a hostile environment contributed to their behavior, but these claims were not supported by the records. Given the severity of the misconduct, including AWOL and a DUI, the board determined that the applicant's mental health challenges did not outweigh or excuse their actions. The applicant's character of service, narrative reason for separation, and reentry code were found to be consistent with applicable regulations, reflecting the documented pattern of misconduct and lack of mitigating evidence. The board concluded that the discharge was appropriate, and that the applicant's mental health condition did not justify an upgrade or change to their separation.

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 marked "OTHER MENTAL HEALTH" on their application to the DRB and contended that their discharge was heavily influenced by untreated and unrecognized mental health issues they were experiencing at the time. They stated that stress and a hostile environment significantly contributed to their actions, which they claimed were not a true reflection of their character and dedication to service. While the applicant did not specifically identify their mental health condition, they submitted documents from the VA indicating they had been service-connected for Major Depressive Disorder (MDD) with Alcohol Use Disorder (AUD), approximately 15 years after their discharge from the Air Force.

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

There is no evidence or records indicating that the applicant was diagnosed with MDD or AUD during their service. Their service treatment records note a history of ADAPT (Alcohol and Drug Abuse Prevention and Treatment) and FAP (Family Advocacy Program), though ADAPT treatment records are unavailable for review. During their first individual psychotherapy session in August 2009, the applicant disclosed they had received a DUI in January 2009 and had participated in ADAPT counseling until March 2009. This incident and history suggest they had issues with alcohol.

The records do not clearly identify the cause of their alcohol use but indicate that marital problems may have played a role, as the applicant acknowledged difficulties in their marriage, which began in October 2007. During a mental health evaluation for confinement, the applicant reported mild to moderate anxiety and depressed mood related to legal issues, relationship challenges, and occupational difficulties, all of which were consequences of their misconduct. They were diagnosed with Adjustment Disorder with

Disturbance of Emotions and Conduct, linked to their difficulty adapting to the stressors of their marital, legal, and occupational problems, which caused anxiety, depression, and maladaptive behavior.

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

The applicant's official discharge paperwork is unavailable or was not submitted for review. However, their military records, particularly their Enlisted Performance Report for the period 2009, document several misconduct infractions. These include multiple Letters of Counseling (LOCs) and Letters of Reprimand (LORs) for tardiness, failing to maintain government living quarters, negligence, consuming alcohol and operating a vehicle, and poor time management leading to delays in CDC completion. Other incidents included displaying poor integrity, failing to accompany their spouse to the airport, reporting late for duty, and being AWOL as of May 30, 2009. Additionally, the applicant received an Article 15 for failing to report to their appointed place of duty, with records noting they were AWOL.

While the applicant's marital problems, mild anxiety, depression, and alcohol use may explain certain behaviors, such as being AWOL or reporting late to work, these infractions remain serious. Their misconduct, including a DUI and repeated absences, is too severe to be outweighed by their mental health condition. Without the discharge paperwork, the full reasons for their separation remain unknown. Therefore, based on the available records, 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 the original discharge. The presumption of regularity is applied due to the absence of their discharge paperwork, and no inequity or impropriety is identified in their discharge from a mental health perspective.

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)," the narrative reason for separation shall remain "Misconduct (Serious Offense)," and the reentry code shall remain "2B." 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)

