

**SUMMARY:** The Applicant was discharged on 07 June 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Uncharacterized – Entry Level Separation discharge for Entry Level Separation Performance and Conduct. 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 13 December 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:

- Letter of Counseling (LOC) for failure to meet minimum standards for room inspection, receiving nine demerits.
- Letter of Reprimand (LOR) for wearing two earbuds while in uniform and continuously walking away when asked to remove them.
- LOR for unauthorized sleeping on duty.
- LOR for possession of two packages of Cannabidiol (CBD) products.
- LOR for failure to complete mandatory training and failure to report to a mandatory appointment.
- LOR for using a cellphone during an unauthorized time in training and directing profane and vulgar comments toward a fellow Airman.

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 contended that they should be granted an upgrade due to experiencing Military Sexual

Trauma (MST), which they stated led to PTSD, anxiety, depression, and undue stress in their environment. They reported feeling punished and targeted by their superior officers after making a report, which they believed began with being written up and escalated due to their expressed concerns about safety. The applicant asserted that these experiences robbed them of a career they had intended to pursue as part of a family tradition. Additionally, they provided character references attesting to the significant changes in their mental state following their experience with MST during military service.

The DRB determined that the applicant's pattern of documented disciplinary actions during their brief service demonstrated a failure to meet military standards and regulations. While the applicant reported experiencing Military Sexual Trauma (MST) and related mental health challenges, the board found insufficient evidence to establish that the MST directly caused or excused the misconduct.

However, the board recommended changing the narrative reason for separation to "Secretarial Authority" to acknowledge the mitigating factor of the applicant's MST experience. This adjustment better reflects the complexity of the applicant's circumstances while maintaining the original discharge characterization. The updated narrative aims to provide a more equitable representation of the applicant's service, minimizing potential civilian life impacts while upholding military standards.

**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 checked the box for "PTSD" and "sexual assault/harassment" on the application. The applicant contended "I am requesting this upgrade and do believe it should be granted due to the MST which caused me to have PTDS [sic], anxiety, depression and undue stress in the environment I was in. Once I experienced the sexual harassment and assault, I made reports and feel like I was punished unjustly for reporting the incident which then made me a target to my superior officers. I started being written upon and punished unjustly for reporting issues and being concerned for my safety. I feel like I was robbed of a career that I wanted to pursue unjustly."*

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

*A review of the applicant's in-service records revealed the applicant received mental health services during his discharge processing and also reported he utilized chaplain services for support after his experience of sexual assault. The applicant's records revealed he received the diagnosis of adjustment disorder during his time in service.*

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

*A review of the applicant's DD214 revealed the applicant received an uncharacterized entry level separation due to entry level performance and conduct with six months, seventeen days time in service. The applicant's discharge package was not available for review; a review of the applicant's administrative record revealed the applicant received at least eight documented disciplinary actions during his brief time in*

*service. A review of the applicant's in-service records revealed the applicant experienced and reported an experience of sexual assault during his time in basic training. The applicant's records revealed the applicant reported to mental health providers that he assaulted the perpetrator of his sexual assault and experienced feelings of apathy and anger subsequent to his experience of MST.*

*Based on review of the available records, the applicant's contended experience of MST occurred in/around November 2022. There is evidence the applicant's pattern of misconduct began after this time period. A review of the available records revealed the applicant had a pre-service history of anger management issues that may have been exacerbated by the applicant's experience of military sexual assault. A review of the applicant's records revealed the applicant reported to his mental health provider during his time in service that he was experiencing distress related to his experience of assault and pending legal problems. There is evidence the applicant's experience of MST may have mitigated some of the misconducts that contributed to his discharge based on the records available for review.*

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

*Although there is evidence the applicant's experience of MST may have mitigated his discharge, there is insufficient evidence the applicant's discharge characterization outweighed. The applicant did not complete the entry level status of 365 days of service as detailed in AFI 36-3208, thus the characterization of the applicant's service was appropriately deemed as uncharacterized. There is evidence the applicant's narrative reason for separation may have been outweighed by his experience of MST and the board recommends granting relief and a change to the applicant's narrative reason for separation to reflect "Secretarial Authority" as the narrative reason for separation.*

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 **approve** the Applicant's request to change the discharge narrative reason, however the board voted to **deny** upgrading their discharge characterization and 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 **Choose an item..** Therefore, the awarded characterization of service shall remain "Uncharacterized," the narrative reason for separation shall change to "Secretarial Authority," and the reentry code shall remain "2C." The DRB results were approved by the Presiding Officer on 28 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)