

**SUMMARY:** The Applicant was discharged on 19 April 2011 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.

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:

- Article 15 for unauthorized usage their government travel card.
- Letter of Reprimand for Driving under the influence with a Blood Alcohol Content of 0.19 & reckless driving of 53 MPH and a 35 MPH zone.

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 explained that during their military service, mental health was rarely discussed due to concerns about losing flight line badges or security clearances. After returning from Afghanistan, they struggled to adjust, began drinking excessively, and made the decision to drink and drive, resulting in a DUI that ended their military career.

They reported the incident to their chain of command the next morning and received a Letter of Reprimand (LOR) before being discharged within two months. The Applicant noted that their base had a high rate of alcohol-related incidents, which led to stricter punishments from leadership.

Post-discharge, they sought help from the VA, where they were diagnosed with PTSD. They went on to earn bachelor's and master's degrees without using the GI Bill and now serves as the [redacted] at a local University. They also overcame significant health challenges, including a cancer diagnosis linked to their service.

The Applicant stated that it took over 10 years to request this upgrade and asked the Board to consider granting an honorable discharge to bring closure to this chapter of their life.

The DRB concluded that the Applicant's discharge was warranted due to serious misconduct that reflected a failure to adhere to Air Force standards and values. The gravity of these offenses outweighed the Applicant's otherwise commendable service. Although the Applicant argued that PTSD and mental health challenges contributed to their actions, the Board found no supporting evidence in the Applicant's service records. Based on the available information, the Board affirmed that the discharge characterization was appropriate and justified.

**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 boxes for "PTSD" and "other mental health" on the application. The Applicant contended "during my time in the military mental health was not talked about very much and the thought was you could lose flight line badges or security clearances if you sought help for any reason. I had trouble re-adjusting once we returned from Afghanistan and started to drink excessively in the months following our return stateside."*

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

*There is no evidence the Applicant sought or received any mental health treatment during his time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant features of PTSD, or any other mental health condition, during his time in service. The Applicant's records revealed the Applicant was command referred to substance abuse services during his time in service. A review of the Applicant's in-service substance use records revealed the Applicant denied having any substance misuse issues, denied all mental health symptoms, and declined the need for referrals for any mental health services.*

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

*A review of the Applicant's DD214 revealed the Applicant was discharged with a general character of service due to misconduct (serious offense) with two years, eleven months, seven days time in service.*

*A review of the Applicant's discharge package revealed the Applicant was discharged due to receiving a DUI by civilian authorities approximately a year and two months after his return from a four month deployment that the Applicant stated in his response to discharge notification were "the most rewarding of*

my life.” The Applicant’s records also revealed the Applicant received an article 15 during his time in service for misuse of his government travel card in excess of \$4400. Lastly, and was not used as a basis for discharge, the Applicant received a referral enlisted performance report due, in part, to his failure to maintain physical fitness standards.

The Applicant’s contentions are contradictory to the evidence available for review in his military medical and administrative records. A review of the Applicant’s in-service records revealed the Applicant denied mental health symptoms on his pre and post deployment screeners and his separation health physical exam. A review of the Applicant’s in-service substance use treatment records revealed the Applicant denied problematic alcohol use, denied drug use, and declined all referrals offered for mental health services during his time in service.

The Applicant contended “for a long time because of my discharge I felt I did not deserve VA benefits which is why it took so long to actually be diagnosed by the VA.” A review of the Applicant’s records revealed the Applicant was enrolled in and receiving VA services less than year after his discharge. A review of the Applicant’s records also revealed a lack of candor regarding the Applicant’s in service substance(s) use. There is no evidence the Applicant sought or received any mental health treatment during his time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant indicators of a mental health condition, during his time in service. There is no evidence a mental health condition caused or mitigated the misconduct(s) that led to the Applicant’s discharge.

The Applicant submitted his VA rating as evidence in support of his claim. Based on the available evidence and records, the Applicant’s mental health condition as likely as not developed post-service as the Applicant’s post service records revealed mental health symptom onset in response to a medical issue. Regarding the Applicant’s concurrence with his VA rating, the VA, operating under a different set of laws than the military, is empowered to offer compensation for any medical or mental health condition with an established nexus to military service, without regard to its impact on a member’s fitness to serve, the narrative reason for release for service, or the length of time that has transpired since the date of discharge. The VA may also conduct periodic reevaluations for the purpose of adjusting the disability rating as the level of impairment from a given condition may improve or worsen over the life of the veteran. At the “snapshot in time” of the Applicant’s service, there is no evidence the Applicant had a mental health condition that caused or mitigated the misconduct(s) which led to the Applicant’s discharge.

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

At the “snapshot in time” of the Applicant’s service, there is no evidence the Applicant had a mental health condition that caused or mitigated the misconduct(s) which led to the Applicant’s discharge. Because the Applicant’s discharge is not mitigated by an in-service mental health condition, the Applicant’s discharge is also not outweighed.

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.

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 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)