

**SUMMARY:** The Applicant was discharged on 28 March 2024 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Under Honorable Conditions (General) character of service for Misconduct (Serious Offense). The Applicant appealed for an upgrade of their character of service, a change to the narrative reason for separation, and a change to the reentry code.

The Applicant requested the Board be completed based on a records-only review. The Board was conducted on 12 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:

- Letter of Reprimand (LOR) for operating a vehicle while under the influence of alcohol with a blood alcohol content of 0.19 and 0.18.
- Article 15 for making a false Permanent Change of Station (PCS) claim in the amount of \$21,995 in that none of the claimed property was lost.

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 that they had untreated and not fully diagnosed mental health conditions at their time of discharge that contributed to the behaviors leading to the discharge, specifically alcohol abuse as a coping mechanism. The Applicant contends their discharge did not fully account for their underlying mental health issues. The Applicant stated that they have demonstrated a commitment to personal growth and rehabilitation, enrolled in therapy for alcohol abuse, maintained steady employment, and pursued further education. The Applicant would like their narrative reason for separation changed to something mental

health-related.

The Applicant provided the following documents in support of their claim: DD 214, *Certificate of Release or Discharge from Active Duty*; Diagnosis; Proof of Alcohol Program, Discharge Appeal; Reference Letter; Professional Scrum Master Certification; Reference Letter; Project Management Job Offer.

The Applicant was discharged for knowingly making a false and fraudulent claim for property, alleged to have been lost during their PCS. In the Applicant's response to their Article 15, they claimed they were confused on how to fill the documents out, that their claim was denied, and they received no benefit from their claim. The Applicant had additional misconduct that included being arrested for Driving Under the Influence (DUI).

The DRB determined there was insufficient evidence that a mental health condition excuses or mitigates the Applicant's misconduct that led to discharge. The DRB commends the Applicant on their post-service accomplishments but determined there is insufficient evidence to warrant an upgrade.

**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 "at the time of discharge, my mental health conditions were not fully diagnosed or treated. These conditions significantly contributed to behaviors leading to the discharge, specifically alcohol abuse as a coping mechanism. The original discharge decision may have been appropriate based on the information available at the time. However, it did not fully account for the underlying mental health issues that influenced my actions. In cases where mental health issues have been identified as contributing factors, other service members have received more favorable discharge statuses. Granting me a discharge upgrade would align with how similar cases have been treated, ensuring fairness and consistency. Despite facing significant mental health challenges, I consistently performed my duties with dedication and professionalism. My overall service record is marked by honorable conduct, and this should be recognized in the discharge status. Since discharge, I have been unable to seek and receive appropriate mental health treatment due to a lack of health insurance, but I have enrolled in therapy for alcohol abuse. This demonstrates a commitment to personal growth and rehabilitation."*

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

*A review of the Applicant's mental health records revealed the Applicant endorsed difficulty adjusting to a different culture and to the military environment. There is no evidence the Applicant received the diagnosis of PTSD during their time in service. The Applicant's records revealed the Applicant received the diagnosis, in service, of adjustment disorder. The Applicant's records revealed the Applicant was command referred to the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program due to a DUI and medically referred on another occasion due to labs indicating maladaptive alcohol use. A review of the Applicant's*

*substance abuse treatment records revealed the Applicant denied having any alcohol misuse issues and denied misusing alcohol during their 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 was discharged with a general character of service due to misconduct (serious offense) with one year, ten months, and twelve days time in service. The intent of liberal consideration does not apply to this Applicant's request. The misconduct that led to the Applicant's discharge included intentionally preparing an electronic document to make a false and fraudulent financial claim against the United States in the amount of \$21,995.00 for private property alleged to be lost. The Applicant's records also revealed the Applicant received a DUI from civilian authorities during their time in service. The Applicant's records revealed the Applicant expressed regret with their decision to join the Air Force in an attempt to expedite their citizenship processing and reported difficulty adjusting to the military lifestyle which created additional marital problems for them. This is not a mitigating mental health condition. Further, it is unlikely a mental health condition would cause or mitigate a severe offense of the aforementioned nature.*

*The Applicant submitted a summary letter of their VA ratings which also included a summary of the medical and mental health services the Applicant can receive should they choose. The Board encourages the Applicant to pursue VA health services they are entitled and inquire with the VA about eligibility. Regarding the Applicant's concurrence with their VA ratings, 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 from 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 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?

*The intent of liberal consideration does not apply to premeditated misconduct, including intentionally preparing financial documents with the intent to defraud the government, thus the Applicant's discharge is 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 character of service, to change the narrative reason for separation, and to change the 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 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 15 November 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)