

SUMMARY: The Applicant was discharged on 27 July 2011 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Uncharacterized of discharge for Adjustment Disorder. 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 10 January 2025. 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 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.

On their application, the Applicant stated they were injured during basic training on the obstacle course when they fell from the monkey bars onto a shallowly filled pit, resulting in their knee hitting the concrete. This injury left them unable to bend their knee and caused chronic pain. Despite the injury, the Applicant persevered and almost completed tech school. However, during their final physical, they were referred to medical and were ultimately discharged due to physical ailments. After their discharge, the Applicant reviewed their paperwork and discovered what they believed to be an incorrect reason listed for their separation. The Applicant provided the following documents in support of their claim: Medical Documents

A review of the record revealed the characterization of "Uncharacterized" was determined to be appropriate, as the Applicant did not complete 180 days of service, and the discharge followed all regulatory requirements. The record shows the applicant's discharge was based on a diagnosis of adjustment disorder with depressive mood versus the applicant's claim of a physical impairment. Further, the record shows the Applicant acknowledging the diagnosis and the potential for administrative discharge. They declined therapy and stated that their condition would not improve in a military environment. The Board found no

evidence of impropriety or inequity in the discharge or service characterization. Although, not requested on his application, the Board did approve a change in the narrative reason for separation from "Adjustment Disorder" to "Condition, Not a Disability" to align with updated guidance intended to minimize stigma and ensure separation codes accurately reflect non-disability mental health conditions. This change addresses the Applicant's concern about the reason for separation without altering the original characterization.

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 contended "I was injured during Basic Training. I was doing the obstacle course and fell off the monkey bars, the pool underneath wasn't filled to the required depth which caused me to smash my knees on the concrete. After that happened, I couldn't bend my knees have been having chronic pain since. I tried to push through the pain and managed to almost complete tech school, however, during my last physical I was told to go to medical. At medical I was told that I would be getting discharged due to my physical ailments. Following my discharge, I found that my paperwork stated the incorrect reason for separation."

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

A review of the Applicant's in-service records revealed the Applicant was referred to mental health by his primary care provider due to symptoms depressed mood related to academic and occupations stressors and family stressors. The Applicants records revealed the Applicant was placed on suicide watch during his time in service and reported that he did not wish to continue training due to his mental health symptoms and did not believe they would resolve in the military environment. The Applicant also reported a pre-service history of mental health symptoms, and treatment including medication, that was not reported to MEPS. The Applicant received the diagnosis, in service, of adjustment disorder with depressed mood.

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 adjustment disorder with five months, twenty days time in service. A review of the Applicant's in-service records revealed the Applicant was aware of and acknowledged the basis of his discharge as adjustment disorder with depressed mood. A memorandum dated 21 Jul 2011 from 362 TRS/CC stated "...on 6 Jul 2011 you were diagnosed by a clinical psychologist as having an Adjustment Disorder with depressed mood. Your disorder is so severe that your ability to function effectively in a military environment is significantly impaired. On 7 Jul 2011 you met with your first sergeant and discussed the possible ramifications of the diagnosis, including administrative discharge. You stated that further therapy and counseling would not enable you to function in a military environment. Your conditions does not qualify as a disability under AFI 36-3212." There is no evidence the Applicant was being considered for discharge due to any other medical or administrative issue. There is no evidence the Applicant's discharge was improper or did not follow the requirements of Entry Level Separation LAW 36-3208. The Applicant did not complete the entry level status of 180 days of service as detailed in AFI 36-3208, thus the

characterization of the Applicant's service was appropriately deemed as uncharacterized and although was due to a mental health condition is not mitigated by a mental health condition.

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

There is no evidence the Applicant's discharge was improper or did not follow the requirements of Entry Level Separation IAW 36-3208. The Applicant did not complete the entry level status of 180 days of service as detailed in AFI 36-3208, thus the characterization of the Applicant's service was appropriately deemed as uncharacterized and is not outweighed by a mental health condition. Changes in policy, whereby a Service member under the same circumstances today would reasonably be expected to receive a more favorable outcome than the Applicant received, may be grounds for relief: The Applicant's discharge was caused by an unsuiting mental health condition, thus his discharge is not mitigated by his mental health condition. However, in response to the Applicant's request, the Board recognizes the importance of accurate separation codes that do not inadvertently stigmatize Service members or disclose sensitive information. In July 2018, "condition, not a disability" was designated as the appropriate code family for separations based on non-disability mental health conditions. The Board recommends granting a change in the Applicant's narrative reason for separation to "condition, not a disability".

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, unanimously to **approve** 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 inequitable. Therefore, the awarded characterization of service shall remain "Uncharacterized," the narrative reason for separation shall change to "Condition, Not a Disability," and the reentry code shall remain "2C." The DRB results were approved by the Presiding Officer on 23 Jan 2025. 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)