

SUMMARY: The Applicant was discharged on 06 December 2022 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions - (General) 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 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 Applicant's record of service included the following documented misconduct leading up to their discharge:

-Article 15 for Assault and Drunk and Disorderly

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.

In their application, the Applicant expressed gratitude for their five years of military service but acknowledged the mistakes that led to their discharge. They requested that their service be reviewed in its entirety, emphasizing that they served honorably and believed their discharge should reflect this. The Applicant shared that, since leaving the Air Force, they had been diagnosed with PTSD and other mental health disorders through the VA and private healthcare providers. While they did not attribute their mistakes solely to their mental health, they asked that it be considered as a contributing factor. Further, the Applicant admitted their actions were their own decisions but noted that some were reactionary to the influences around them at the time. They also stated they had learned and grown from their experiences in the Air Force.

The Applicant provided the following documents in support of their claim:

- VA Decision Letter
- Psychological Evaluation

A review of the record revealed the Applicant's discharge was the result of multiple serious offenses, including assaulting three senior noncommissioned officers (SNCOs) while drunk and disorderly, as well as a prior incident involving the assault of a roommate under similar circumstances. These actions were detrimental to good order and discipline, justifying the discharge. Although the Applicant cited post-service diagnoses of PTSD and other mental health conditions, no evidence of mental health issues was identified during their time in service. Accordingly, the Board determined that the Applicant's discharge was proper and equitable, given the severity of the misconduct and was not mitigated due to mental health issues.

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 "Over my 5 years in the Air Force I was fortunate enough to see all parts of the world...I am forever grateful for these experiences and the starting of my career in aviation. Regretfully, I made some mistakes that resulted in my discharge. I acknowledge that I was in the wrong, but I request that you view my service record in its entirety. I believe that I served my country, here and abroad, honorably, and my discharge characterization should reflect this. Also, since leaving the Air Force I have been diagnosed PTSD another mental disorders through the VA and private health care. I do not choose to blame my mistakes on my mental health but ask you to acknowledge there were some concerns. The decisions I made were my own but also reactionary to the those who were around me at the time. I want to learn and grown from these experiences in the Air Force."

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. A review of the Applicant's records revealed the Applicant denied mental health symptoms for the duration of his time in service when asked by medical providers, mental health providers, and on pre/post deployment and PCS screeners. The Applicant's records revealed the Applicant was command referred to ADAPT due to alcohol related misconduct during his time in service. A review of the Applicant substance use treatment records revealed the Applicant denied having any maladaptive alcohol use issues and declined mental health referrals during his substance use treatment.

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 four years, eleven months, eighteen days' time in service. A review of the Applicant's discharge package revealed the misconducts that led to the Applicant's discharge included assaulting three Senior Noncommissioned Officers (SNCO) and drunk and disorderly conduct. The Applicant's discharge package also stated, "reinforcing the appropriateness of discharge, [the Applicant] was previously arrested for similar incident of assaulting his roommate while drunk and disorderly before arriving at [different AFB]."

The intent of liberal consideration generally does not apply to misconducts involving harm to others, including assault of roommates or assault of SNCO while at the airport during TDY due to a lost cell phone.

The Applicant submitted his VA Compensation and Pension Exam and one page of VA Ratings summary as evidence in support of his contentions. 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 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 the Applicant had a mental health condition that caused or mitigated the misconduct(s) that led to the Applicant's discharge.

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

Based on a review of the available records and the totality of the Applicant's time in service, there is no evidence an in-service mental health condition outweighed the misconduct that led to the Applicant's discharge. Further, the intent of liberal consideration generally does not apply to misconducts involving harm to others.

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 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://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)