

**SUMMARY:** The Applicant was discharged on 09 September 2019 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions - (General) discharge for Misconduct (Minor Infraction). 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 Applicant's record of service included the following documented misconduct leading up to their discharge:

- Letter of Counseling (LOC) for dereliction of duty and failure to go.
- Letter of Reprimand (LOR) for driving under the influence (DUI), damaging another residence, leaving the scene of the accident, and having a blood alcohol concentration (BAC) over three times the legal limit.
- LOR for dereliction of duty and failure to go.
- LOR for dereliction of duty, failure to go, and failure to maintain dress and appearance standards.

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 stated that they had received a DUI while in service, which remained the only misdemeanor on their record, with no additional criminal history since. They had sought and continued to receive counseling through Veterans Affairs, reflecting their commitment to personal growth. The applicant emphasized that, aside from this incident, their service had been honorable, supported by attached awards and achievements earned during their time in uniform. They expressed dissatisfaction with the

circumstances surrounding their separation, feeling that their four years of service had been undervalued and treated as inconsequential. Further, the applicant attributed their actions to youthful impulsiveness, acknowledging that these choices had ultimately impacted their readiness and led to their misdemeanor conviction. They described a profound sense of shame, feeling as though they had let down their family and military community. Since their discharge, they had reconnected with fellow veterans and followed recommendations to engage with Veterans Affairs, further demonstrating their efforts toward rehabilitation. The applicant believed their accomplishments, integrity, and dedication to core values such as service before self and excellence should outweigh the minor disciplinary infractions and merit recognition with an honorable discharge characterization.

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

- Personal Letter
- Airman of the Month Award
- Load Crew of the Quarter Winner
- Performance Records
- Promotion Award
- Military Training Certificate

A review of the record revealed the combination of a serious DUI incident and a documented pattern of misconduct to include several instances of failing to go which warranted the applicant's discharge, with no evidence of mitigating circumstances to justify an upgrade. While the applicant cited PTSD and engaged in post-service counseling through the VA, there was no indication of a diagnosed mental health condition or treatment during service that could excuse or mitigate the misconduct. Additionally, no procedural errors or inequities were identified in the discharge process. Although the applicant's post-service efforts toward personal growth are commendable, they do not outweigh their in-service misconduct. Therefore, the Board found the applicant's discharge to be proper and equitable.

**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" on the application. The applicant contended "I received a DUI while in service. This is the only misdemeanor on my record I have ever committed. I have had no other criminal history since. I have received counseling from the VA and continue to do so. My service was honorable other than this incident."*

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*

*referred, on two separate occasions, to ADAPT for substance abuse services related to maladaptive alcohol use and alcohol related misconducts. A review of the applicant's record revealed the applicant exhibited poor insight related to his alcohol use and appeared to be minimizing the impacts and severity of his alcohol use. A review of the applicant's labs during his time in service revealed chronic, heavy alcohol use despite the applicant reporting to providers that he was abstaining from alcohol use.*

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 (minor infractions) with four years, two months, twenty six days time in service. A review of the applicant's discharge package revealed a pattern of misconduct, including failing to report to duty and failing to maintain dress that began before the applicant received a DUI in civilian jurisdiction and continued after. A review of the applicant's alcohol related misconduct revealed the applicant received a DUI after he struck a home with his vehicle and left the scene, later returning and testing more than three times the legal limit of blood alcohol content. There is no evidence the applicant sought or received any mental health services 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 made no claim or contention that a mental health condition caused or substantially contributed to the misconduct(s) that led to the applicant's discharge.*

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

*No inequity or impropriety was found in a review of the applicant's records. Because the applicant's discharge is not mitigated or excused by a 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 (M432(Minor Infraction) DUI)," and the reentry code shall remain "2B." The DRB results were approved by the Presiding Officer on 24 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)