

SUMMARY: The Applicant was discharged on 02 June 2022 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a Under Honorable Conditions – (General) discharge for Misconduct (Serious Offense). The Applicant appealed for an upgrade of their discharge characterization and a change to the discharge narrative reason.

The Applicant appeared and testified before the Discharge Review Board (DRB), with counsel, via video teleconference using Zoom on 05 November 2024. No witnesses were present to testify on the Applicant's behalf.

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 for repeat failure of managing the additional duty Weapons Safety Programs.
- Article 15 charge for wrongfully communicating to two NCO's a threat to go to the Philippines and provide a list of United States military members' names to Islamic State of Iraq and Syria (ISIS).

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 and their counsel indicated that the equity contention would be presented during the board hearing. In their testimony, the applicant admitted to making impulsive threats to share military information with ISIS and suggested potential violence toward their unit, which they claimed were made out of frustration rather than serious intent. They attributed this behavior to personal hardships, including the recent loss of their father and supporting their mother's several hardships and struggles.

Expressing remorse, the applicant highlighted a previously strong service record and shared that counseling had helped them develop better coping skills. They requested clemency, hoping to have their General discharge reconsidered to reflect their prior contributions and allow them to move on from their shame.

The DRB found that, despite the applicant's argument that their actions—including threats to disclose military personnel information to a terrorist organization and other violent comments—were influenced by personal hardships, the behavior remained severe and incompatible with military standards. The applicant cited family stress as a factor contributing to their actions. Medical records confirmed that the applicant received counseling for stress, but mental health providers assessed that the threats were made out of situational stress rather than genuine intent to act. Although the applicant expressed remorse and attributed the incidents to frustration and emotional strain, the board found that these actions posed a significant risk to good order and discipline.

Furthermore, while the applicant submitted character references and wished to continue service, the board noted inconsistencies in their account and determined that personal circumstances did not mitigate the misconduct. The board observed that the applicant's statements appeared dismissive of the seriousness of their actions, and their prior good service record and expressed remorse did not offset the gravity of the threats made. As a result, the board upheld the original General discharge for misconduct, deeming this characterization necessary to maintain standards of conduct and discipline.

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, through counsel made no contentions and stated on the application "equity to follow upon hearing date" but did not provide any additional information or contentions.

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

The applicant's records revealed the applicant was initially seen in mental health after making threats to "shoot up the office" which he later claimed to be a joke and reported symptoms of stress related to increased responsibilities work and his wife applying for citizenship. Later the applicant was encouraged to seek mental health services again after making threats in the workplace. The applicant's records revealed the applicant again endorsed stress related to work responsibilities and supporting his wife's citizenship and finances. The applicant's records revealed the participated in mental health services during his discharge processing and reported symptoms of depression and anxiety related to uncertainty regarding his misconduct and disciplinary proceedings.

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 nine years, twelve days in service.

A review of the applicant's records revealed the applicant communicated threats of mass violence on multiple occasions during his time in service. The applicant's records revealed the applicant was suggested to seek mental health services due to his report of difficulty managing work and personal stressors after each of these events to which the applicant obliged the initial evaluation but denied that mental health symptoms were impacting his work performance or functioning when asked by mental health providers. The applicant's discharge package revealed the command considered the applicant's mental health at the time of his discharge and was noted "After making his threat, Respondent went to the [on base] Mental Health Clinic (MHC) to seek treatment. MHC's evaluation is that his recent threats resulted from situational stressors and were said in frustration but that he does not have an intent to act. They determined he poses no risk to himself or other. Respondent accepted responsibility by apologizing and actively seeking mental health support. His coworkers who heard his outburst did not immediately feel threatened but instead took Respondent to lunch and provided support and counseling. Respondent attended and passed a professional Anger Management class at [named] Air Force Base and regularly saw the Military Family Life Counselors. The applicant's records revealed the applicant requested and was granted a General character of service.

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

Based on review of the Applicant's records, the applicant's mental health conditions were known and fully considered by the applicant's command during the discharge process. The Applicant's records revealed the Applicant requested and was granted a general character of service in response to the Applicant's offer of a conditional waiver of their administrative discharge board hearing.

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, 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 28 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, NAF Washington, MD 20762-6602

Instructions on how to appeal an AFDRB decision can be found at
<https://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)

