

**SUMMARY:** The Applicant was discharged on 20 August 2020 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions (General) discharge for Pattern of Misconduct. 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 19 December 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 for driving under the influence and reckless driving
- Letter of Reprimand for driving while drunk

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 stated while deployed they suffered from military sexual trauma (MST) from a Lieutenant in the Army. However, they were afraid to report it, so they had to work with their assaulter every day. They stated the incident led them to become extremely depressed and paranoid, not being able to sleep, and they self-medicated once they got back to their home station. They had nightmares and flashbacks, which caused them to become extremely stressed. The Applicant stated they are receiving trauma therapy through the VA. They believed their discharge status should be upgraded despite how they coped with the stressful event and that they did not have any misconduct prior to the MST.

The DRB determined the Applicant's discharge was fair and equitable. A review of the Applicant's administrative records revealed in February 2020, the Applicant chose to recklessly drive their vehicle while under the influence of alcohol, appearing unable to control their motor skills, and failed all three field sobriety tests given to them. In May 2020, the Applicant was pulled over by the police for driving the wrong way on the highway and provided a preliminary breathalyzer which indicated their breath alcohol content was .201%. Subsequently, they were arrested for driving under the influence of alcohol (DUI), reckless endangerment, and open container. For these infractions the Applicant received letters of reprimands and a demotion. The Applicant's full discharge package was not in their records and not provided by the Applicant, so the DRB does not know the full and detailed reason(s) for the Applicant's discharge is unknown at this time. The Applicant submitted documentation from the Veterans Affairs hospital stating they experienced MST and provided medical treatment letters. However, the Applicant did not provide any evidence to create a nexus between the MST and their misconduct of drinking and driving. Per DAFI 36-2023 para, *The Secretary of the Air Force Personnel Council*, paragraph 3.2.4 "The DRB is not an investigative body and presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to overcome this presumption. The presumption of regularity dictates that, absent evidence to the contrary, commanders, supervisors, and other officials involved with an action acted fairly and in good faith. The Applicant bears the burden of providing evidence to overcome this presumption, and the Board will only grant relief if it determines there is sufficient evidence to conclude the applicant's discharge was not proper or equitable. Therefore, the DRB denied the Applicant's request for an upgrade to their characterization and a change to their narrative reason.

**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 that while they were deployed to Kuwait, they suffered MST from a Lieutenant in the Army. They had to work with him after the event occurred and was unable to tell anyone due to fear of getting into trouble. The incident led them to become extremely depressed and paranoid, not being able to sleep, and they self-medicated once they got back to their home station. They had nightmares and flashbacks, which caused them to become extremely stressed. They also isolated themselves because they were unable to trust anyone. They are finally receiving trauma therapy through the VA and believes their discharge should be upgraded to Honorable because they were a good airman before the stressful event.*

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

*There is no evidence or records that the Applicant reported experiencing MST during service. They did not report their MST experience until after they were discharged from the Air Force to a provider at the VA about six months after their discharge. There is evidence that they received mental health treatment during service—beginning after they received their first DUI. They were command referred to ADAPT twice following each DUI. They received and participated in PHP and IOP treatment at Desert Parkway and the Level 1 outpatient treatment from ADAPT for alcohol treatment. They also received brief individual psychotherapy and medication management treatment for anxiety, depression, and PTSD. They were*

*diagnosed with PTSD from their childhood traumatic experiences and not MST during service. They were diagnosed with PTSD caused by MST after their military service by their providers at the VA.*

3. Does that condition, or experience actually excuse or mitigate the discharge?

*The Applicant's service treatment records reported they began to have depression and alcohol issues after they returned from their deployment in 2019. Their pre-existing trauma from their childhood was also exacerbated after they returned from deployment. Their depression was reported to have been caused by the death of their uncle and grandmother, they were going through a divorce, they were "hit by someone that owed them money," they were arrested for two DUIs in the last three months, and an ACL injury that caused them not being able to work. To give the Applicant the benefit of the doubt that it is possible that they coped with their MST with alcohol despite no records, it could not determine that their mental health condition from their MST could actually excuse or mitigate their discharge. This is because their official discharge paperwork is not available or submitted by the Applicant for review so the full and detailed reason(s) for their discharge reason of pattern of misconduct is not known at this time. The burden of proof is placed on the Applicant to submit the necessary paperwork to support their contention and request. The presumption of regularity is applied so their mental health condition or MST experience does not excuse or mitigate their discharge.*

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

*Since their mental health condition or MST experience does not excuse or mitigate their discharge, their condition or experience also does not outweigh their discharge.*

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.

**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 "Pattern of Misconduct," and the reentry code shall remain "2B." The DRB results were approved by the Presiding Officer on 14 January 2025. If desired, the Applicant can request a list of the Board members and their votes by writing to:

Air Force 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)