

**SUMMARY:** The Applicant was discharged on 13 March 2015 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an 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 requested the Board be completed based on a records only review. The Board was conducted on 05 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 (LOR) for failure to complete the End of Course examination.
- Article 15 for wrongfully communicating a threat, dereliction of duty, and willfully failing to follow proper procedures for transporting and possessing a loaded firearm on a military installation.
- LOR for dereliction of duty.
- LOC for failure to go.
- LOC for failure to meet minimum standards during a room inspection.

The documentary evidence the Board considered as part of the review included but was 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 requested an upgrade to their discharge, citing nearly 19 years of honorable service, personal challenges, and post-service efforts to improve. They highlighted a strong service record with above-average evaluations, community service involvement, and recognition as a Black Rope in Tech School. However, their career was impacted by personal struggles, including the discovery of their spouse's infidelity while

deployed, which led to emotional distress, anger issues, and their eventual discharge. During their service, they sought treatment and were diagnosed with intermittent explosive disorder and severe major depressive disorder.

Following their discharge, the Applicant worked to rebuild their life, expressing regret for their actions during that difficult period. They pursued a graduate degree in Mathematics with the goal of becoming a professor and remained committed to self-improvement and community service. The Applicant believed their discharge did not reflect their overall service or the extenuating circumstances they faced and asked the Board to consider their accomplishments and efforts as justification for an upgrade.

The DRB concluded that the applicant engaged in significant misconduct, including making threats to kill multiple individuals and failing to follow proper procedures for transporting and storing a loaded firearm on a military installation. While the applicant cited personal challenges, such as emotional distress stemming from their spouse's infidelity, and was diagnosed with adjustment disorder with anxiety, these circumstances were not considered sufficient to excuse or mitigate the deliberate and violent nature of their actions.

The Board recognized that the policy of liberal consideration does not apply to premeditated violent behavior or misconduct that poses harm to others. The applicant's actions were deemed a serious threat to the safety, security, and discipline of the Air Force. The commander at the time determined that the applicant's continued service would undermine good order and discipline.

Although the applicant has since made commendable efforts to rebuild their life, including pursuing higher education and contributing to community service, the board determined that these post-discharge achievements did not outweigh the gravity of their in-service misconduct.

**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 "other mental health" on the application. The applicant contended "my Air Force career took a turn for the worse when I discovered my wife's infidelity while deployed to Saudi Arabia. It was then that I started having issues with anger and poor decision-making, which led to my eventual discharge from service. I felt like I couldn't control my anger. We had a child together, and it felt as if my entire world was crashing down around me. I sought treatment in service and had some ongoing issues because of this situation."*

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

*Based on a review of the applicant's in-service records, the applicant declined mental health counseling until after he was notified of his discharge due but did receive medication management after his first command referral to Family Advocacy Program (FAP). A review of the applicant's medical records revealed the applicant endorsed symptoms of feeling anxious around his ex-wife and requested medication*

*(only) to makes his feelings of anxiety go away but was not interested in counseling, parenting classes, or behavior modification. The applicant's records revealed the applicant received the diagnosis of adjustment disorder with anxiety during his time in service. A review of the applicant's records revealed the applicant was command referred to FAP on two occasion due to allegations of intimate partner violence.*

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 three years, eight months, twenty three days time in service. A review of the applicant's discharge package revealed the applicant was discharged due to serious misconduct including communicating a threat to kill and failure to follow proper procedures for transportation and possession of a loaded firearm on a military installation. The intent of liberal consideration generally does not apply to premeditated misconduct, including communicating a threat to kill multiple persons and willfully disregarding Air Force firearms procedures for transporting weapons and ammunitions onto an Air Force base. Further, the intent of liberal consideration generally does not apply to misconduct involving harm to others. Lastly, the severity of the misconduct that led to the applicant's discharge is unlikely to be mitigated or outweighed by a mental health condition. The applicant stated in his narrative to the board "my Air Force career took a turn for the worse when I discovered my wife's infidelity while deployed to Saudi Arabia. It was then that I started having issues with anger and poor decision-making, which led to my eventual discharge from service." Neither infidelity nor divorce are mitigating mental health conditions.*

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

*The intent of liberal consideration generally does not apply to premeditated misconduct, including communicating a threat to kill multiple persons and willfully disregarding Air Force firearms procedures for transporting weapons and ammunitions onto an Air Force base. Further, the intent of liberal consideration generally does not apply to misconduct involving harm to others. Because the applicant's discharge is not mitigated, 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 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 December 20, 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, 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)