

SUMMARY: The Applicant was discharged on 30 April 2014 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with Under Honorable Conditions - General for Misconduct (Minor Infractions). The Applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the reentry code.

The Applicant requested the Board be completed based on a records review. The Board was conducted on 19 December 2024. Counsel did not represent the Applicant.

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 governmental affairs unless there is substantial credible evidence to rebut the presumption, including evidence submitted by the Applicant. The Board thoroughly reviewed 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 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 absence from place of duty.
Vacation for absence from place of duty (reduction to A1C, forfeit of \$1,017, and reprimand).
Article 15 for absent from the place of duty.
Article 15 for absent from the place of duty (forfeit \$1,164 and restriction for 30 days).
Letter of Reprimand for absence from place of duty.
Letter of Admonition for failure to report for duty.
Letter of Reprimand for failure to report for duty.
Letter of Counseling for failure to report for duty.

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 is requesting an upgrade of their discharge characterization from General to Honorable based

on propriety and equity, citing a direct connection between the nature of their discharge and ongoing medical diagnoses. The contended diagnoses are still currently affecting the Applicant's well-being. The Applicant began their career as a cadet at the U.S. Air Force Academy (USAFA), majoring in Computer Science and participating as an athlete, intending to become a pilot. After suffering a sports-related injury, the Applicant began struggling with a sleep disorder, major depression, and anxiety. The Applicant claims that the USAFA separated them due to undiagnosed depression, which also contributed to challenges during their time as an enlisted member of the Air Force. The actions that led to the misconduct and subsequent discharge are attributed to the Applicant's sleep disorder, medical conditions, and mental health issues, which were diagnosed at the end of their USAFA service, prior to becoming an enlisted member. The Applicant asserts that their medical conditions are well-documented by current and past healthcare providers, and the Department of Veterans Affairs recognizes these issues as service-connected mental health conditions. They strongly believed they should have been treated for their mental health conditions rather than discharged from the military.

The DRB determined the Applicant was a former cadet at the U.S. Air Force Academy (USAFA) who enlisted in the Air Force to fulfill their service commitment and become an officer. The Applicant was involuntarily separated/disenrolled from USAFA for violating the Cadet Honor Code by lying about their knowledge of another cadet purchasing alcohol with a fake I.D. and underage drinking. The Applicant was placed on probation but failed to meet the terms of probation, resulting in disenrollment. Less than two years after enlisting, the Applicant was recommended for discharge based on seven failures to report to duty on time. The Applicant's record indicates that there were several attempts at rehabilitation but continuously failed to meet the minimum standard of arriving on time for duty due to sleep issues. In response to the discharge, the Applicant took accountability for their pattern of lateness and acknowledged that it took several adverse actions to change their behavior. The Applicant sought counsel from multiple sources and remained positive, kindly requesting to remain in the Air Force in an effort to prove their willingness to serve and demonstrate that rehabilitation had been successful. This request was denied, and the Applicant was discharged. The records are consistent with the contention of a sleep disorder and being late to work; however, the Applicant continued to make decisions that ultimately made them fail although their career was on the line. Decisions such as taking a nap during their lunch break and sleeping through set alarms. The Board concluded the Applicant's continuous misconduct showed a failure to adjust and make sound decisions, which is unbecoming of a member who is serving in the military. The Applicant's willingness to serve and positive contributions do not outweigh the misconduct; therefore, the request is denied.

LIBERAL CONSIDERATION: The Board considered the Under Secretary of Defense memorandum, Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records (BCMRs/BCNR) by Veterans Claiming Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI), dated 24 February 2016, commonly known as the "Carson Memo." Specifically, cases considered previously but without the benefit of the application of Liberal Consideration shall be, upon petition, granted a de novo review utilizing the Supplemental Guidance. The Board found that it did not apply Liberal Consideration when it considered the case previously; therefore, the Board determined the case was eligible for de novo review, incorporating the Supplemental Guidance.

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), 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, "I am requesting an upgrade of my discharge of General (under honorable conditions) to an Honorable discharge as a matter of propriety and equity because there is a direct nexus between the nature of my discharge to my serious medical condition that was diagnosed at the time of my discharge and still continues today. I believe that my sleep disorder medical condition, and encompassing mental health condition, diagnosed at the end of my military service in 2014 on active duty was misinterpreted as misconduct. This severe medical condition continues to be well documented with my current health providers and was recognized by the Veterans Affairs as a service-connected mental health disability with a high disability rating."

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

A review of the Applicant's in-service records revealed the Applicant was seen on one occasion by a mental health provider during his time in service. The Applicant's records revealed the Applicant endorsed difficulty adjusting to his new role and position in the Air Force and feelings of guilt for getting kicked out of the academy. He reported to the provider that he experienced difficulty falling asleep for approximately two months before scheduling the appointment, which resulted in disciplinary actions. The Applicant's records revealed the Applicant declined further mental health intervention and received the diagnosis of adjustment disorder.

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

A review of the Applicant's DD214 revealed a general discharge due to misconduct (minor infractions) after seven months and twenty-five days of service. Administrative records show multiple disciplinary actions, including two Article 15s, one vacation action, three Letters of Reprimand, one Letter of Admonishment, and one Letter of Counseling. Additionally, the Applicant was previously dismissed from the Air Force Academy for an honor violation and was serving a two-year enlistment.

The Applicant's records indicate reports of insufficient sleep due to academic and athletic demands. However, inconsistencies were noted in explanations for tardiness—initially attributed to alarm clock mismanagement and later to a resolved medical issue. No documented medical evaluations for sleep difficulties or hypersomnia were found. A mental health consult showed the Applicant reported trouble falling asleep but staying asleep longer than intended, denied related mental health symptoms, and declined further services. Since no mental health symptoms related to sleep hygiene were evident during service, liberal consideration does not apply to the Applicant's request.

Post-discharge, the Applicant submitted letters from mental health providers describing reported symptoms such as nightmares, headaches, fatigue, depression, and sleep difficulties. Available evidence suggests the Applicant's mental health condition likely developed after service. While the VA operates under different legal guidelines than the military and may grant disability ratings based on service connection, there is no evidence that a mental health condition caused or mitigated the misconduct leading to discharge at the time of service.

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

There is no evidence a mental health condition caused or substantially contributed to the misconduct that led to Applicant's discharge. 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, to change the discharge narrative reason, and to change the reentry code.

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.

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

CONCLUSION: After thoroughly reviewing the available evidence, including 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 (Minor Infractions)," and the reentry code shall remain "2B." The Presiding Officer approved the DRB results on 12 February 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

Attachment:
Examiner's Brief (Applicant Only)

