

SUMMARY: The Applicant was discharged on 26 June 2015 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions – (General) discharge for Misconduct (Minor Infractions). 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 14 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 failure to go to physical training and providing a false statement to an NCO.
- LOC for failure to meet minimum standards for fitness assessment.
- Letter of Reprimand (LOR) for failure to report to their place of duty at the prescribed time on diverse occasions.
- Article 15 for committing adultery on diverse occasions.
- LOR for engaging in adulterous and unprofessional relationships with two NCOs.

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 they had been sexually assaulted by a Marine while in service, reported the incident, and later attempted suicide due to its impact on their mental health. Two years later, during court-martial proceedings, a married staff sergeant allegedly coerced them into sexual relations, resulting in pregnancy. The Applicant further stated that they had been placed on a six-month probationary period with no further

infractions. After returning from maternity leave in 2015, they were informed their top-secret clearance had been denied due to the prior suicide attempt, barring them from continuing in their Air Force specialty. The Applicant claimed they had been promised a meeting with a legal advisor that never occurred and had been coerced into signing away their appeal rights. Two weeks later, they received their DD214 listing "misconduct" as the reason for separation.

The DRB determined that the Applicant demonstrated a consistent pattern of misconduct. The Applicant engaged in repeated unprofessional and inappropriate relationships, violating Air Force standards and constituting a significant breach of military discipline. Although the Applicant reported multiple instances of sexual assault during service, the command was aware of these allegations and considered them during the discharge process. Leadership concluded that these experiences did not excuse or mitigate the misconduct leading to the discharge. The Applicant received mental health services, including counseling for coping with trauma and maladaptive behaviors; however, these conditions did not justify or mitigate the misconduct. While the Applicant claimed the separation resulted from a denied security clearance and career field disqualification, records confirmed it was due to repeated misconduct. The Applicant's leadership assessed that, despite counseling and disciplinary measures, the Applicant's behavior consistently fell short of Air Force standards. As such, the board upheld the Applicant's current discharge status.

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 "sexual assault/harassment" on the application. The Applicant contended "I was sexually assaulted by a Marine on [date] while in service; I was 18 years old; I reported it but began to suffer the effects on my mental health, and attempted suicide and was hospitalized [date listed]. At the court martial, which finally concluded [date] a married SSgt came to my hotel room and took advantage of my state and coerced me into sexual relations. I became pregnant as a result. I was placed on a six-month probationary period, during which time I committed no further infractions. My son was born [date]; when I returned from my six weeks of maternity leave, I was told by my commander that because I attempted suicide in [date], my TS clearance was not approved and could not progress in my AFSC and was therefore separated. They set me an appointment to speak to a legal advisor, but the appointment never happened, and I was coerced into signing away all right to appeal the separation. My DD214 was emailed to me two weeks later and stated the reason was misconduct."

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

A review of the Applicant's records revealed the Applicant received mental health services during her time in service related to a "near miss sexual assault" as described the Applicant to her mental health provider and continued services related to the Applicant's desire to learn healthy coping skills.

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 two years, eleven months, three days' time in service. A review of the Applicant's discharge package revealed the Applicant received the Applicant received an Article 15, two Letter of Reprimand, and two Letters of Counseling. A review of the Applicant's discharge package revealed the Applicant made sexual assault allegations against six separate persons during her brief time in service; a review of the Applicant's disciplinary actions revealed the Applicant's misconducts were the result of sexual misconduct and unprofessional relationships. There is evidence the Applicant reported experiences of sexual assault during her time in service which were known and considered by the Applicant's leadership and discharge authorities at the time of her discharge processing. The Applicant also made known her maladaptive sexual patterns and using sexual behaviors as a form of self-harm to command during her disciplinary proceedings and was given an opportunity to correct this behavior. The Applicant contended she was discharged upon return from maternity leave due to her suicide attempt and loss of AFSC. A review of the Applicant's records revealed the Applicant was discharged due to misconduct, including inappropriate sexual relationships with superiors and peers on multiple occasions and for failing to report to duty. There is no evidence the Applicant was discharged due taking maternity leave, or due to her suicide attempt. The Applicant's leadership opined during the Applicant's discharge processing "instead of correcting her behavior [the Applicant] continued to commit infractions. [The Commander] does not believe [the Applicant] has the required discipline to succeed in the Air Force. A review of the Applicant's discharge package also revealed the Applicant's six sexual assault situations were known and considered by the Applicant's command at the time of her discharge. The Applicant's records revealed the Applicant did not request special case processing.

There is evidence the Applicants in service experiences of sexual assault known and considered by her leadership at the time of her discharge. Based on the available records for review, there is evidence the Applicant was both the recipient and perpetrator of sexual misconduct during her time in service which resulted in her discharge which may explain the Applicant's discharge but does not mitigate or excuse the Applicant's discharge.

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

Because the Applicant's discharge is not mitigated or excused by her in-service experiences of sexual assault, 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.

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

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 (Minor Infractions),” and the reentry code shall remain “2B.” The DRB results were approved by the Presiding Officer on 23 January 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)