

**SUMMARY:** The Applicant was discharged on 15 April 2020 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, 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 only. 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 Counseling for failure to go to mandatory fitness sessions.

Letter of Counseling for being continuously late to work.

Letter of Counseling for failure to go to mandatory fitness sessions.

Letter of Reprimand for failure to go to mandatory fitness sessions.

UIF for continuous misconduct.

Demoted for failure to go to directed place.

Letter of Reprimand for failure to go to mandatory fitness sessions.

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 contends they unknowingly suffered with depression and anxiety while serving in the Air Force. The Applicant did not realize this until after being discharged and seeking a medical diagnosis. While serving, the Applicant contends the effects of depression and anxiety caused them to not get out of bed each

day and stop taking care of themselves, thus causing issues meeting minimal standards in the military. The result was fitness standards not met and poor core values that lasted for approximately two years, which the Applicant contends was not an issue before suffering from mental health conditions. The Applicant is seeking an upgrade to the character of service, separation code, reentry code, and the narrative reason for separation based on other mental health conditions.

The DRB determined there is no evidence of a mitigating nexus between the Applicant's claimed mental health condition and the misconduct. A records review revealed the Applicant was recommended for discharge and administratively demoted due to three fitness failures in 24 months. The Applicant also has a history of not attending commander-mandated squadron fitness improvement sessions and showing up 30 minutes or more late to work. The Applicant's record shows a rebuttal to the discharge recommendation, acknowledging their poor decisions and asking to prove leadership wrong by giving another chance to get it right, which is consistent with the rebuttals for several of the LORs and LOCs received. Ultimately, the Applicant did not indicate any Mental Health issues to mitigate their misconduct.

**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 "PTSD" and "intimate partner violence" on the application. The Applicant contended, "I humbly request that my discharge character changed from "under honorable condition-general" to "honorable". I have served in the United States Air Force for 5 years, which is greater than 36 months. This will allow me to attend college and pay for the tuition using the GI Bill. I have served the Air Force duty fully and honorably with just one minor misconduct for which I was cleared of any charges. I was diagnosed with PTSD from the Wright Patterson AFB, I am also a victim of reprisal at my base of separation, which is [AFB]. I humbly request that my code [be] changed so that I can continue with my education, get on with my civilian life, and be a productive member of the community."

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

A review of the Applicant's in-service records revealed the Applicant reported symptoms of stress related to relational problems and legal problems. The Applicant reported symptoms of decreased concentration, decreased appetite, and feeling exhausted. The Applicant engaged with supportive mental health services

concurrent with Family Advocacy Program (FAP) services as the Applicant was navigating military investigation, criminal and family court proceedings, as well as civilian child protective services. There is no evidence the Applicant received the diagnosis of PTSD during the Applicant's time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant indicators of PTSD, or any other mental health condition during time in service.

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

The intent of liberal consideration generally does not apply to this Applicant's request. The misconduct(s) that led to the Applicant's discharge included physical harm to others, including the children on multiple occasions. Additionally, violating a no-contact order is premeditated misconduct that is generally not mitigated by a mental health condition. The Applicant contended they received the diagnosis of PTSD during their time in service. There is no evidence that the diagnosis of PTSD was diagnosed during the time in service. Based on the select medical records submitted by the Applicant or a review of the Applicant's complete in-service medical record, there is no evidence that the Applicant met the criteria for any mental health diagnosis during service. At the time of the Applicant's misconduct and at the time of the Applicant's discharge, the Applicant's treating provider concurred, "Based on her presentation, psychological screener scores, and her report during the session, the patient does not appear to meet criteria for a mood disorder or other major mental health condition at this time... Rather, her presentation best fits Z65.3 Legal stress and Z63.0 Problems in relationship with spouse." Based on a review of the evidence submitted by the Applicant and Applicant's administrative, medical, and mental health records, there is no evidence a mental health condition caused or contributed to the misconduct that led to the Applicant's discharge. Further, it is unlikely that a mental health condition, under the intent of liberal consideration guidance, would mitigate the repeated and premeditated misconduct involving harm to others that led to the Applicant's discharge.

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

Because the Applicant's discharge is not mitigated or excused, 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 seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, Air Force Board for Correction of Military Records.

**CONCLUSION:** After thoroughly reviewing the available evidence, including the Applicant's issues, a summary of service, service/medical record entries, and the 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 Infraction," and the reentry code shall remain "2B." The Presiding Officer approved the DRB results on 13 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

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

Attachment:  
Examiner's Brief (Applicant Only)

