

SUMMARY: The Applicant was discharged on 18 October 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an 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, a change to the reentry code, and a change to the separation code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 16 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 Reprimand for dereliction in the performance of their duties
- Letter of Reprimand for dereliction in the performance of their duties
- Letter of Reprimand for failing to obey a lawful order given to them by their Section Chief
- Letter of Reprimand for failing to complete their duties in accordance with standards on several occasions
- Letter of Reprimand for disrespecting their supervisor; failing to follow explicit instructions
- Letter of Reprimand for disrespecting a customer; failing to communicate their decision to change their lunch schedule as required per their section leadership
- Letter of Counseling for failing to obey a direct order from their supervisor

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 requested an upgrade in all aspects of their discharge. They contended they experienced unfairness and injustice while serving in the military. They state they were treated horribly, their work

performance declined due to mental health issues, and that they attempted suicide while serving. They state they are still dealing with depression, anxiety, and continued nightmares of their experiences.

The DRB determined the Applicant's discharge was proper and equitable. The Applicant received six letters of reprimand (LOR) within a period of six months and a letter of counsel (LOC) for repeat offenses of failing to obey orders, disrespect, and dereliction of their duties, which constituted a sufficient basis for discharge and attempts at rehabilitation per DAFI 36-3211, Military Separations.

The Applicant contended unfair treatment and injustice during their military service, which led to a suicide attempt. To support their claim, they provided hospital discharge instructions and a Veterans Affairs (VA) rating. The discharge instructions indicated the Applicant was admitted for suicidal ideations, nervous breakdown, and feelings of being unsupported, bullied, and alienated by their supervisor. They were diagnosed with major depression, generalized anxiety, and obsessive-compulsive disorder (OCD). However, the discharge legal review found the case to be legally sufficient and noted the Applicant's commander determined that their misconduct was unrelated to their mental health condition and determined a mental health discharge was not appropriate. The Applicant's medical records also indicated that their social pragmatic communication disorder (SCPD) was a pre-service neurodevelopmental disorder. Regarding the Applicant's concurrence with their Veteran's Affairs (VA) rating, the Department of Veteran's Affairs, operating under a different set of laws than the military, is empowered to offer compensation for any medical condition with an established nexus to military service, without regard to its impact on a member's fitness to serve, the narrative reason for release from service, or the length of time that has transpired since the date of discharge. The VA may also conduct periodic reevaluations for the purpose of adjusting the disability rating as the level of impairment from a given condition may improve or worsen over the life of the veteran.

After a thorough review, no inequity or impropriety was found in the Applicant's record. As a result, the DRB denied the Applicant's requests to upgrade of their discharge characterization and to change the discharge narrative reason, reentry code, and separation code.

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 "other mental health" on the application. The Applicant contended "I am requesting for change due to the unfairness and injustice I have experienced while I was serving in the military. I was treated horribly, my mental health worsened, my work performance declined due to mental health issues, I have had a dental surgery that went wrong, and I have attempted suicide I was serving. As of the present time, I am depressed, anxious, and I continue to have nightmares of the hell that I have went through. Worse, I am less willing to live."

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 their time

in service related to symptoms of depression and inability to tolerate occupational and workplace environment and stress. The Applicant received the diagnoses, in service of major depressive disorder and social pragmatic communication disorder. A review of the Narrative Summary revealed the Applicant's in-service mental health provider opined the Applicant's social pragmatic communication disorder to be the driving force in the Applicant's impairment in performance of duties and overall functioning. There is no evidence the Applicant received the diagnosis of PTSD during their time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant indicators of PTSD during their time in service.

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 three years, eleven months time in service. A review of the Applicant's discharge package revealed the Applicant received five Letters of Reprimand and two Letters of Counseling during their time in service. The Applicant's records also revealed the Applicant's mental health conditions were submitted in a Narrative Summary (NARSUM) and reviewed by the Air Force medical standards boards who determined the Applicant's condition to be unsuited and as such the applicant was appropriately recommended for administrative separation. There is evidence the Applicant exhibited and endorsed features of a neurodevelopment disorder, social pragmatic communication disorder, during their time in service. The Applicant's social pragmatic communication disorder traits likely caused or contributed to their behavioral and misconduct issues in service and are considered incompatible for military service. Neurodevelopmental disorders, including social pragmatic communication disorder are conditions of a developmental nature- they are pervasive, stable, persistent, and unsuited for military service. This condition may explain the Applicant's misconduct, but it does not mitigate the misconduct. A review of the Applicant's records revealed the Applicant was appropriately discharged under DAFI 36-3211, Military Separations, paragraph 7.38 after considering the mental health conditions and subject matter opinions of the treating mental health providers and mental health retention standards authority.

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

Based on review of the Applicant's records, the Applicant's mental health conditions were known and fully considered by the Applicant's command during the discharge process. No inequity or impropriety was found in review of the Applicant's records; thus the Applicant's discharge is 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, to change the reentry code and to change the separation code.

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 5 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)