

SUMMARY: The Applicant was discharged on 26 January 2024 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.

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:

- Article 15 for failing to go appointed place of duty at the prescribed time
- Letter of Reprimand for failing to report for duty at prescribed time and making a false official statement
- Letter of Counseling for failure to communicate
- Record of Individual Counseling for failing to report to duty on time and communicate with leadership regarding their medical appointments

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 sought an upgrade to their service characterization to improve their future and well-being. During their service, they developed depression and anxiety due to isolation and lack of socialization, which was exacerbated by their unit's alleged neglect and stigma surrounding mental health issues. The Applicant sought help from mental health, was hospitalized for depression, and attended physical therapy for months despite feeling unsupported. Due to an issue with their reenlistment paperwork the Applicant experienced a lapse in pay and medical benefits. During the lapse of benefits, the Applicant continued to leave the unit for

physical therapy without communicating with their leadership. The Applicant acknowledges making mistakes, but feels they were unfairly treated and undervalued by their leadership and were not given the same empathy and opportunities as their peers.

The DRB found impropriety in the Applicant's discharge. A review of their records showed that the Applicant received four administrative documents to include an Article 15, all within a 30-day period. Less than 60 days later they were notified of administrative separation. According to DAFI 36-2907, *Adverse Actions*, LOCs and LORs are intended to correct habits or shortcomings, but the swift issuance of these actions did not allow the Applicant sufficient time to improve their behavior. Additionally, the Applicant had been approved for reenlistment by their Commander just two months prior to the first counseling, which suggests that they were meeting standards at that time. The DRB reviewed the Applicant's medical records, which revealed an in-service diagnosis of adjustment disorder with depressed mood in 2022. This diagnosis supported the Applicant's claims of seeking professional help and revealed that an administrative error, resulting in a month-long loss of benefits and pay due to incorrect reenlistment updates had contributed to their stressful environment. Taking these factors into account, the DRB granted the Applicant's request to upgrade their service characterization and narrative reason.

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, in summary, they were of great value to their unit with top production numbers but developed depression from isolation, anxiety and lack of socialization. The Applicant stated they sought mental health care and wishes to be considered for an upgrade to help their future.

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

There is evidence the Applicant sought and received mental health services during their time in service related to symptoms of depressed mood, anxiety, feelings of isolation, and feelings of despair regarding administrative issues including not receiving pay and being terminated from healthcare eligibility. The Applicant's records revealed the Applicant received the diagnosis of adjustment disorder 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 four years, seven months, nine days time in service. A review of the Applicant's discharge package revealed the Applicant was given a RIC, a LOC, a LOR, and an Article 15 within a 30-day period and then notified of administrative separation less than sixty days after. Based on a review of the available evidence there is no evidence of a mitigating nexus between the Applicant's in-service mental conditions and the misconduct(s) for which they were discharged. Based on

the available records, the Applicant endorsed symptoms of depressed mood and feelings of isolation prior to their re-enlistment but did not seek treatment despite receiving multiple off-base referrals for mental health services. The Applicant's records revealed the Applicant's mental health condition was known and considered at the time of their re-enlistment and they were permitted to re-enlist for a term of six years. A review of the Applicant's records revealed the Applicant reported a continued decline in their mental health that was exacerbated by administrative delays in the Applicant's re-enlistment resulting in delays in pay and gaps in benefits coverage. Based on the available records, the Applicant's misconducts were associated with gaps in medical benefits coverage, missing pay, and Airman entitlements rather than the impacts of a mental health condition.

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

Based on a review of the available evidence, there is no evidence of a mitigating nexus between the Applicant's in-service mental conditions and the misconduct(s) for which they were discharged, thus the Applicant's discharge is not outweighed out by a mental health condition.

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.

FINDING: The DRB voted unanimously to **approve** the Applicant's request to upgrade their discharge characterization and to change the discharge narrative reason.

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 improper. Therefore, the awarded characterization of service shall change to "Honorable," the narrative reason for separation shall change to "Secretarial Authority," and the reentry code shall remain "4H." The DRB results were approved by the Presiding Officer on 6 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)