

SUMMARY: The Applicant was discharged on 22 April 2011 in accordance with Air Force Instruction, 36-3206, *Administrative Discharge Process for Officers*, with an Under Honorable Conditions (General) Service Characterization for Misconduct – (Serious Offense). The Applicant appealed for an upgrade of their Service Characterization.

The Applicant appeared and testified before the Discharge Review Board (DRB), with counsel, via video teleconference using Zoom on 08 March 2025. No witnesses were present to testify on the Applicant's behalf.

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, 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 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 conduct unbecoming of an officer, including providing false statements, engaging in an inappropriate relationship with a married individual, and attempting to obstruct an investigation.

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 to their military discharge from "General, Under Honorable Conditions" to a higher status, citing their diagnosis of Combat Related PTSD in 2010. They explained that their original discharge was due to two incidents: a 2008 Driving Under the Influence (DUI) charge, which they attributed to self-medicating with alcohol to cope with traumatic memories of a rescue operation in Iraq, and a 2010 accusation of adultery, which they contested through the Article 15 process. The Applicant claimed that they chose to accept a General discharge rather than fighting for an Honorable discharge at the time because they were struggling to manage their Post Traumatic Stress Disorder (PTSD) and cope with the stress of the process. They were then seeking an upgrade, arguing that their original discharge was influenced by their untreated PTSD and that they were not fully able to advocate for themselves due to their mental health condition.

The DRB determined that the Applicant's discharge stemmed from serious offenses, including a DUI and an Article 15 for conduct unbecoming an officer. These actions were seen as premeditated, which reduced the possibility of mitigating circumstances due to a later PTSD diagnosis.

The Applicant's claim that these incidents were symptoms of untreated PTSD lacked supporting evidence. By voluntarily accepting a General Discharge and the Article 15 rather than contesting the charges, the Applicant effectively acknowledged the misconduct. The Board found the later assertion that PTSD hindered self-advocacy unconvincing, given the treatment timeline and mental health improvements reported by the applicant.

Inconsistencies in the Applicant's testimony and supporting evidence undermined their credibility, especially concerning the allegations of adultery and claims about mental health treatment. Although the board acknowledged the applicant's advancement to a higher position in civil service after their discharge, this was insufficient to counterbalance the serious misconduct underlying the discharge. The board's primary focus remained on the circumstances surrounding the discharge, which justified maintaining the current status. As a result, the board has chosen to uphold the original discharge determination.

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 "PTSD" on the application. The Applicant contended "I am currently requesting an upgrade to my General, Under Honorable Conditions Discharge due to conditions related to my 2010 diagnosis of Combat Related PTSD. My discharge fell under conduct unbecoming and was related to two issues I had in an otherwise pristine career. In 2008 I was charged with a DUI in [location]. At this point in my life, and following a steady rise in alcohol consumption following my return from Baghdad, Iraq as the personal security detail for [named person] I found myself drinking to forget a rescue operation..." The Applicant also contended "The second part of my General discharge was based on an accusation of misconduct in 2010. I fought the accusation through the Article 15 process. During my last attempt to request a discharge upgrade the deciding body stated that I had been afforded due process during the original discharge decision because I selected that I would take a General or above. I chose this rather than fight for an honorable discharge because by this point in the process I was trying to manage my PTSD while controlling the stress at the time."

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

A review of the Applicant's in-service records revealed the Applicant sought and received mental health treatment after being notified of being under investigation for misconduct and conduct unbecoming of an officer. The Applicant's records revealed the Applicant endorsed symptoms of numbness, anger, and irritability related to deployment experiences three years prior although reported no duty or performance impairments. The Applicant's records revealed the Applicant participated in one round of prolonged exposure and reported significant improvement in mood and symptom abatement. The Applicant's records revealed the Applicant

terminated mental health services due to symptom resolution. The Applicant's records revealed the Applicant was command referred to substance use treatment services (ADAPT) subsequent to receiving a DUI approximately two years prior to receiving mental health services. The Applicant's ADAPT records revealed the Applicant denied mental health symptoms and declined mental health referrals at that time.

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 (serious offense) with seven years, nine months, twenty-nine days of service. A review of the Applicant's discharge proceedings revealed the Applicant requested and was granted a discharge with no less than a general characterization of service.

The Applicant contended, "During my last attempt to request a discharge upgrade, the deciding body stated that I had been afforded due process during the original discharge decision because I selected that I would take a General or above. I had chosen this rather than fight for an honorable discharge because by this point in the process I was trying to manage my PTSD while controlling the stress at the time." A review of the Applicant's records revealed the Applicant sought mental health services after the notification and onset of their investigation for misconduct and conduct unbecoming of an officer. The Applicant reported to mental health providers that they were experiencing symptoms of emotional numbness, anger, and irritability related to their deployment experiences. The Applicant contends they did not dispute their discharge because they were focused on their mental health treatment. The Board commends the Applicant for receiving mental health treatment during their time in service and noted the Applicant's records revealed the Applicant endorsed significant improvement from PTSD treatment. There is no evidence of a nexus between the misconduct that led to the Applicant's discharge and their in-service mental health condition. Further, the intent of liberal consideration generally does not apply to premeditated misconducts, including misconduct and impeding an investigation. In this applicant's case, the Applicant denies committing the aforementioned misconducts in which liberal consideration would not apply. There is evidence the Applicant received mental health services after being notified that they were under investigation for misconduct. The Applicant's records revealed the Applicant reported to mental health providers that they were struggling to cope with their deployment experiences and participated in PTSD treatment while awaiting separation. The Applicant's records revealed they terminated mental health services approximately three months prior to their discharge and reported symptom resolution to mental health providers. At the time of the Applicant's termination of mental health services, the Applicant's mental health provider opined the Applicant did not meet criteria for PTSD.

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

Based on a review of the available records, the Applicant requested and was granted a general character of service discharge. There is no evidence of a nexus between the Applicant's in-service mental health condition and the pre-meditated misconducts that led to his 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 AND 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. The DRB voted unanimously to **deny** the Applicant's request. Therefore, the awarded Service Characterization shall remain Under Honorable Conditions (General) and the Narrative Reason for separation shall remain Misconduct – (Serious Offense). The DRB results were approved by the Presiding Officer on 10 April 2025.

Should the Applicant wish to appeal this decision, they 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*.

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

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)