

**SUMMARY:** The Applicant was discharged on 3 February 2022 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, 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, and a change to the reentry code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 19 December 2024. 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:

21 Oct 2020 – Letter of Reprimand (LOR): Failure to uphold duties  
10 Nov 2020 – Letter of Counsel (LOC): Failure to obey health and safety rules  
30 Mar 2021 – LOC: Late for duty  
01 Apr 2021 – LOR: Late for duty; failure to follow orders  
13 Apr 2021 – Unfavorable Information File (UIF): Misconduct related to 01 April LOR  
08 Sep 2021 – LOR: Misconduct; failure to uphold duties  
21 Sep 2021 – Control Roster: Misconduct referenced in 08 September LOR  
15 Nov 2021 – LOR: Failure to obey a lawful order

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 have finally gathered the courage to share their truth regarding the circumstances leading to their involuntary discharge in 2022. They assert that they were unjustly targeted by

their command after reporting a sexual assault. Despite exhausting all available resources and avenues for support, the Applicant states that their command repeatedly failed them. Additionally, the Applicant claims that many aspects of their case were overlooked or not considered before, during, and after their discharge. These include, but are not limited to, interventions from the Area Defense Counsel (ADC) and what the Applicant states was a false arrest while placed on an Unfavorable Information File (UIF).

The records revealed multiple minor disciplinary infractions, demonstrating a history of failure to conform to military standards and comply with nonpunitive regulations and minor offenses. In response to these adverse actions, the Applicant displayed a lack of accountability, often denying most claims as false or improperly documented. The Applicant consulted with the Area Defense Counsel, where they took responsibility for their actions, provided a plan for future improvement, and expressed a desire to remain in the Air Force. This occurred after filing an Equal Opportunity complaint detailing five specific allegations, primarily based on sexual orientation and race; however, all claims were found to be unsubstantiated. Despite being given several opportunities to improve performance and meet Air Force standards, the Applicant was ultimately unable to demonstrate the necessary adherence to military expectations. Therefore the DRB determined the contentions do not support inequity or impropriety. The Applicant made no claims or contentions that a mental health condition caused or contributed to the misconducts that led to their discharge.

**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 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) 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 “sexual assault/harassment” on the application. The Applicant contended “I was involuntarily discharge from the Airforce in [year]. I service active duty in [location] for two years under [unit]. Here I am today, finally with enough courage to speak my truth. To tell the real story after being silenced and unheard. I was unjustly targeted by my command after reported a sexual assault. After exuding all resources and outlets, my command failed me time after time.”*
2. Did that condition exist/experience occur during military service?  
*A review of the Applicant’s in-service records revealed the Applicant intermittently sought and received supportive mental health services during the Applicant’s time in service for symptoms of insomnia,*

*bereavement, and stress related to occupational and peer relational problems. The Applicant's records revealed the Applicant was command referred to the Family Advocacy Program (FAP) during the Applicant's time in service but refused to participate until after the administrative separation process begun and the investigation had concluded the Applicant was the offender of the assault at which time the Applicant contended being harassed and stalked by the person whom was determined to have assaulted.*

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

*A review of the Applicant's DD214 revealed the Applicant was discharge with general character of service due to misconduct (minor infractions) with two years, twenty days time in service. A review of the Applicant's discharge package revealed a pattern of misconduct that began approximately ten months into the Applicant's time in service and continued for the duration of the Applicant's time in service, including documented disciplinary action for insubordinate conduct, failed to comply with Public Health Quarantine protocols, dereliction of duty, failed to obey a lawful order, and made false official statement. The Applicant's discharge package also revealed a summary of the Applicant's complaint filed with Military Equal Opportunity with five specific allegations that was noted to have been concluded and the allegations determined to have been "not substantiated." Based on a review of the Applicant's records and the information submitted by the Applicant for consideration, no inequity or impropriety was found: the Applicant's contentions were made known at the time of the Applicant's discharge and were considered by the discharge authorities at the time of the Applicant's discharge processing. The intent of liberal consideration does not apply to this Applicant's request. The Applicant made no claims or contentions that a mental health condition caused or contributed to the misconducts that led to the Applicant's discharge. Further, a review of the Applicant's in-service records revealed the Applicant was determined by investigators to be the offender of intimate partner violence, not the victim, thus the intent of liberal consideration does not apply to misconduct involving harm to others. Lastly, the Applicant's timeline of in-service misconducts revealed the Applicant's pattern of misconduct began before and continued after their claim of sexual assault.*

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

*The Applicant made no claims or contentions that a mental health condition or experience of sexual assault, which was adjudicated as the Applicant as the offender of intimate partner violence based on the available records, caused or contributed to the misconducts that led to their discharge. Because the Applicant's discharge is not mitigated, 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 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.

**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 11 March 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)

