

SUMMARY: The Applicant was discharged on May 09, 2023 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Uncharacterized Entry Level Separation for Fraudulent Entry. The Applicant appealed for an upgrade of their reentry code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on January 09, 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 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.

In the application, the Applicant disclosed when they arrived at Basic Military Training (BMT) they took a survey and said they had depression and suicidal thoughts in the past. They were never diagnosed with depression or had any medication prescribed. They talked to a psychologist while at BMT who explained suicidal ideation and depression were disqualifying factors for military service but noted that a waiver could be pursued. The Applicant stated they thought they would have a better chance at getting a waiver approved being a civilian. They want to reenlist with the Navy but need their reentry code changed.

A review of the records revealed the Applicant was discharged for fraudulent enlistment during BMT after indicating they had struggled with depression and suicidal thoughts prior to service, information that was not disclosed or known at the time of enlistment. The records indicate that a military Mental Health Evaluation was conducted, and the physician confirmed the disqualifying factors of suicidal thoughts and behaviors. If this condition was known prior to enlistment, the Applicant would not have been able to join the Air Force. Further, a review of the applicant's Area Defense Counsel (ADC) Consultation Questionnaire revealed the Applicant handwrote "want to go home" in their reason for declining ADC assistance and declining to apply

for a medical waiver. The DRB is not the waiver authority for re-entry and will not opine on the Applicant's current fitness for military service. Based on the record, there is no evidence the Applicant's discharge was improper or did not follow the requirements of Entry Level Separation IAW AFI 36-3208. Further, no additional supporting documents or evidence was presented by the Applicant; therefore, the DRB found no evidence of inequity or impropriety to warrant a change in the reenry 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 box for "other mental health" on the application. The applicant contended "when I arrived to Air Force BMT I took a survey and I said that I had depression and suicidal thoughts in the past. I was never diagnosed with depression or had any medication by any doctor I want to re-enlist with the navy but I need my RE code changed."

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

There is evidence the applicant was evaluated during the first week of training (WOT-1) due to a pre-service history of suicidal ideation, self-injurious behaviors, and multiple school suspensions that were not disclosed at MEPS. A review of the applicant's in-service administrative and medical records revealed the applicant did not want to continue military training and did not apply for a waiver to continue military training. The applicant's pre-service conditions were determined by her in-service providers to be disqualifying for general military service, per DoDI 6130.03.

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

A review of the applicant's DD214 revealed the applicant received an uncharacterized entry level separation due to fraudulent entry with one month, five days time in service. There is evidence the applicant was evaluated during the first week of training (WOT-1) due to a pre-service history of suicidal ideation, self-injurious behaviors, and multiple school suspensions that were not disclosed at MEPS. A review of the applicant's in-service administrative and medical records revealed the applicant did not want to continue military training and did not apply for a waiver to continue military training. The applicant's pre-service conditions were determined by her in-service providers to be disqualifying for general military service, per DoDI 6130.03. A review of the applicant's ADC Consultation Questionnaire revealed the applicant handwrote "want to go home" in her reason for declining ADC assistance and declining to apply for a waiver. The Discharge Review Board is not the waiver authority for re-entry and will not opine on the applicant's current fitness for military service. The applicant was discharged due to fraudulent entry, at the "snapshot in time" of the applicant's service the applicant's records revealed the applicant exhibited and endorsed symptoms of a mental health condition that impaired her ability to effectively perform her military duties. Further, the applicant made it known she did not desire to continue military training. There is no

evidence the applicant's discharge was improper or did not follow the requirements of Entry Level Separation IAW 36-3208.

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

There is no evidence the applicant's discharge was improper or did not follow the requirements of Entry Level Separation IAW 36-3208. The applicant did not complete the entry level status of 360 days of service as detailed in AFI 36-3208, thus the characterization of the applicant's service was appropriately deemed as uncharacterized and the corresponding narrative reason for separation and re-entry code appropriately corresponded to the applicant's uncharacterized separation and were outweighed by a pre-service 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 and found no evidence of inequity or impropriety.

FINDING: The DRB voted unanimously to *deny* the Applicant's request to upgrade their 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 "Uncharacterized," the narrative reason for separation shall remain "Fraudulent Entry," and the reentry code shall remain "2C," and the Separation shall remain "Entry Level Separation" The DRB results were approved by the Presiding Officer on 3 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)