

**SUMMARY:** The Applicant was discharged on 13 June 2024 in accordance with Department of the Air Force Instruction 36-3211, Military Separations, with a Under Honorable Conditions - General for Pattern of Misconduct. The Applicant appealed for an upgrade to their character of service and their separation 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: Letter of Reprimand for domestic violence.

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 is requesting a character change from "General" to "Honorable" so their GI Bill can be utilized and they can become a productive member of the community. The Applicant contends they served fully and honorably during their five-year tenure in the military, with only one minor misconduct, for which they were cleared of all charges. Their goal in the military was to become a commissioned officer. They claim to have been approved for nursing school but due to the current family problems and safety concerns the Applicant was offered a humanitarian PCS to Robins AFB. The Applicant also notes they were diagnosed with PTSD while serving and was a victim of reprisal during their separation period in Robins AFB.

The DRB determined there's no connection between the contended mental health issues and the reason for discharge the board believes an upgrade to the separation code is not appropriate in this case. A review of the

record revealed the Applicant has a lengthy and complex history with their spouse while serving in the military, which ultimately led their leadership to recommend administrative discharge. The Applicant was involved in multiple acts of domestic violence, with one or more incidents resulting in their arrest. There were children who witnessed one or more of the altercations as well. A temporary protective order was issued against the Applicant, which was later violated. An alleged altercation ensued, leading to another arrest. Which ultimately led to leadership recommending discharge based on a pattern of misconduct. In response to both the discharge and the Letter of Reprimand, the Applicant explained that their actions were misjudged and the story being painted was inaccurate. The Applicant contended they were, in fact, a victim of domestic violence and not the perpetrator. They claim their spouse had a severe drinking problem, anger issues, made false statements to the authorities, and had unsupportive family. Unfortunately, there was very little evidence to support these statements. The Applicant also filed an Equal Opportunity informal complaint against leadership, citing race and pregnancy as factors. The board heavily considered the request by reviewing their records, character statements, and reason for upgrade however found no impropriety or equality in the discharge itself. Lastly the lack of evidence provided in defense of the Applicant was ultimately the determining factor for the boards decision to deny the request.

**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 “PTSD” and “intimate partner violence” on the application. The Applicant contended “I humbly request that my discharge character changed from “under honorable condition-general” to “honorable”. I have served in the United States Air Force for 5 years, which is greater than 36 months. This will allow me to attend college and pay for the tuition using the GI bill. I have served the Air Force duty fully and honorably with just one minor misconduct for which I was cleared of any charges. I was diagnosed with PTSD from the Wright Patterson AFB, I am also a victim of reprisal at my base of separation, which is [AFB]. I humbly request that my code to be changed so that I can continue with my education and get on with my civilian life and be productive member of the community.”

2. Did that condition exist/experience occur during military service?  
A review of the Applicant’s in-service records revealed the Applicant reported symptoms of stress related to relational problems and legal problems. The Applicant reported symptoms of decreased concentration, decreased appetite, feeling exhausted. The Applicant engaged with supportive mental health services

concurrent with Family Advocacy Program (FAP) services as the Applicant was navigating military investigation, criminal and family court proceedings, as well as civilian child protective services. There is no evidence the Applicant received the diagnosis of PTSD during time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant indicators of PTSD, or any other mental health condition during time in service.

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

The intent of liberal consideration generally does not apply to this Applicant's request. The misconduct(s) that led to the Applicant's discharge included physical harm to others, including the children on multiple occasions. Additionally, violating a no-contact order is pre-meditated misconduct that is generally not mitigated by a mental health condition. The Applicant contended she received the diagnosis of PTSD during time in service. There is no evidence received the diagnosis of PTSD during time in service. There is no evidence, based on the select medical records submitted the Applicant, or a review of the Applicant's complete in-service medical record, that the Applicant met criteria for any mental health diagnosis during time in service. At the time of the Applicant's misconduct and at the time of the Applicant's discharge the Applicant's treating provider's concurred "based on her presentation, psychological screener scores, and her report during session, the patient does not appear to meet criteria for a mood disorder or other major mental health condition at this time... Rather, her presentation best fits Z65.3 Legal stress and Z63.0 Problems in relationship with spouse." Based on a review of the evidence submitted by the Applicant and Applicant's administrative, medical and mental health records, there is no evidence a mental health condition caused or contributed to the misconducts that led to the Applicant's discharge. Further, it unlikely that a mental health condition, under the intent of liberal consideration guidance, would mitigate the repeated and premediated misconduct involving harm to others that led to the Applicant's discharge.

4. Does that condition, or experience outweigh the 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:** 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 separation code shall remain "JKA," the narrative reason for separation shall remain "Pattern of Misconduct," and the reentry code shall remain "2B." The DRB results were approved by

the Presiding Officer on 28 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://afrbaportal.azurewebsites.us>

Attachment:  
Examiner's Brief (Applicant Only)

