

SUMMARY: The Applicant was discharged on 17 June 2015 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions (General) for Misconduct (Serious Offense). The Applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the separation code.

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 operating a vehicle while drunk
- Letter of Reprimand for missing an appointment due to arrest and confinement for a DUI
- Letter of Reprimand for failing to report to appointment
- Letter of Reprimand for failing to report to place of duty as directed for 13 days
- Letter of Counseling for failing dormitory inspection

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 contended they suffered from military sexual trauma (MST) which caused post-traumatic stress disorder (PTSD). The traumatic violation caused a decrease in both their work performance and their feelings of connection and camaraderie with fellow members of their unit. The Applicant stated they deployed in late 2014 and returned late March 2015. Toward the end of their R&R, they descended into a period of depression over their looming return to their unit and having to face the fact of working daily with

the person who violated them. They stated they did not shirk responsibility for their DUI and still made bad choices they will always regret. Nonetheless, they contend it is directly linked to their MST, which invokes propriety, equity, and clemency. Additionally, they contend their unfavorable information file (UIF) should have expired and been removed in May 2013, but was not. They stated this raise inequitable/injustice concerns about the decision to separate them.

The DRB determined the Applicant's discharge was fair and equitable. A thorough review of the Applicant's administrative records revealed prior to discharge action was initiated, the Applicant was counseled for various misconduct that included not reporting to their place of duty for 13 days: failing a dormitory inspection, and failure to go to appointments resulting in three LORs and an LOC. In April 2015, the Applicant was arrested for driving under the influence and received an Article 15. Due to these infractions, the Applicant was recommended and approved for an administrative discharge with an Under Honorable Conditions (General) discharge. Several character statements were submitted and considered on the Applicant's behalf. The Applicant signed the AF FM 2030, USAF Drug and Alcohol Abuse Certificate, in March 2011 acknowledging drug and alcohol abuse after that date will be considered evidence of their inability to meet the standards of behavior expected of them as a member of the Air Force. Therefore, if identified as a drug or alcohol abuser while a member of the Air Force, appropriate disciplinary or administrative action may be taken against them, to include trial by court martial or discharge under less than honorable conditions.

The Applicant contended their misconduct was linked to the MST, but did not provide any testimony or clarifying information about how their in-service MST experience contributed to their misconduct. Per DAFI 36-2023, *Secretary of the Air Force Personnel Counsel*, paragraph 3.2.4 "The DRB is not an investigative body and presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to overcome this presumption. The presumption of regularity dictates that, absent evidence to the contrary, commanders, supervisors, and other officials involved with an action acted fairly and in good faith. The Applicant bears the burden of providing evidence to overcome this presumption, and the board will only grant relief if it determines there is sufficient evidence to conclude the Applicant's discharge was not proper or equitable." The Applicant contended their UIF should have expired and been removed in May 2013 but was not. However, the Applicant's ARMS record contained a memorandum signed by the Commander acknowledging there are no other mandatory or optional information for placement in the Applicant's UIF being processed and the expiration of the Applicant's UIF in May 2013. Due to this information, the DRB denied the Applicant's request for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the separation 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 boxes for "PTSD" "other mental health" and "sexual assault/harassment" on the application. The Applicant contended "I suffered MST in my unit, which caused PTSD; I began to

experience hypervigilance and depression and continue to experience those to this day. The traumatic violation caused a decrease in both my work performance and my feelings of connection and camaraderie with fellow members of my unit. My most successful and positive coping strategy was volunteering for Honor Guard duties which took me out of my unit for two out of every six weeks. I was a different person on my Honor Guard rotations, and a shell of a person while not on rotation. I deployed in late 2014 and returned stateside in late March 2015. Toward the end of my R&R, I descended into a period of depression over my looming return to my unit- and the fact that I'd again be working on a daily basis with the person who violated me. I do not shirk responsibility for my DUI; I still made bad choices I will always regret. Nonetheless, it is directly linked to my MST, which invokes propriety, equity, and clemency, Additionally, my UIF should have expired and been removed in May 2013, but was not. This raises inequitable/injustice concerns about the decision to separate me."

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 services after they were notified of their discharge. The Applicant's records revealed the Applicant reported symptoms of frustration and stress related to transitioning out the military. There is no evidence the Applicant received the diagnosis of PTSD during this time in service. There is no evidence the Applicant endorsed or exhibited any clinically significant indicators of PTSD or any other mental health condition during their time in service. The Applicant's records revealed the Applicant was command referred to substance use treatment services (ADAPT) after they received a DUI. A review of the Applicant's ADAPT records revealed the Applicant reported they received a DUI after having drinks at a bar with their friends and driving home. The Applicant's records revealed the Applicant denied any mental health symptoms at the time of assessment and declined any other referrals.

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 three years, nine months, twenty-five days time in service. A review of the Applicant's discharge package revealed two bases for discharge: misconduct: commission of a serious offense and misconduct: minor disciplinary infractions. The discharge authority summarized that basis for discharge action in the discharge package: "[the Applicant] has been counseled for various misconduct that included not reporting to their place of duty for 13 days, failing a dormitory inspection, and failure to go to appointments. For these incidents, [the Applicant] received two LORs and two LOCs. Despite these attempts at rehabilitation, [the Applicant] engaged in their most egregious misconduct to date by driving while they were under the influence of alcohol."

A review of the Applicant's Response to Proposed Article 15 memorandum revealed the Applicant attributed their decision to drive drunk to the following family stressor: "although it is no excuse, I do feel that I may have been dealing with additional stress at that time from my biological father initiating contact with me for the first time in a disturbing and hurtful fashion. I feel that may have contributed in causing me to act in a way that is outside my normal behavior."

The Applicant contended they experienced MST during their time in service that led to depression and hypervigilance. The Applicant did not provide any clarifying information about their in-service MST experience in their request for relief from the Board such as when, approximately, the MST occurred, the nature of the MST or how the MST contributed to misconducts that led to their discharge, including receiving a DUI after choosing to drive after spending time at the bar with peers. Based on a review of the Applicant's discharge, the Applicant's misconduct began upon the completion of technical training when the Applicant failed to report for duty for thirteen days and persisted for the duration of their time in service. There is evidence the Applicant sought and received mental health services after being notified of their discharge and reported symptoms of frustration and stress regarding transitioning out of the military. While

military and civilian legal proceedings can be stressful, they do not constitute a mental health condition that mitigates the misconduct that initiated the legal proceedings.

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

Based on the available records, testimony, and information provided by the Applicant there is no evidence the Applicant's in-service experience of MST outweighed the misconduct that led to their discharge.

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 separation code.

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 (Serious Offense)," and the reentry code shall remain "2B." 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://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)