

SUMMARY: The Applicant was discharged on 26 October 2022 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with a Under Honorable Conditions - General for Misconduct – Minor Infractions. The Applicant appealed for an upgrade of their discharge characterization.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 25 February 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:

The Applicant received three Article 15's for misconduct including violating a no contact order, sleeping on post, and possessing alcohol in the dormitory while under age. The Applicant also received a Letter of Counseling for failure to report.

The documentary evidence the Board considered as part of the review included, but was 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 their discharge characterization should be changed, arguing that the discharge resulted from a lack of support and care from leadership rather than personal misconduct. The Applicant believes they are resilient and capable of positive change, desiring an honorable characterization to reflect this. The Applicant is requesting an upgrade of their character of service from general to honorable, citing liberal consideration and post-service actions as justification. While the Applicant selected the boxes for "other mental health" and "domestic violence," they did not explicitly state a reason for the upgrade request. However, a rebuttal submitted by the Applicant previously expressed concern over losing their GI Bill

benefits.

The record revealed that the Applicant received an Article 15 and subsequent discharge following a domestic violence situation involving a former partner. Leadership recommended that the Applicant be discharged for misconduct due to minor disciplinary infractions with an Under Honorable Conditions - General discharge. The Applicant submitted a rebuttal to their Commander, including details and photo evidence of previous incidents with the former partner to prove their innocence. Despite seeking help and attending therapy for diagnosed anxiety and depression stemming from the abuse, the Applicant's discharge proceeded. The Board noted that the Applicant was issued three NJPs during a service career of two years and eight months. As requested, the Board considered all the Applicant's contentions, supporting documents, and evidence and determined there was no inequality or impropriety in the discharge, denying the Applicant's request for an upgrade.

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 "other mental health" and "intimate partner violence/domestic violence" on the application. The applicant contended "I received my final article 15 after a domestic violence situation with my ex-partner that caused me to be discharged. I wrote a rebuttal to my commander and explained all the details from that situation and all previous incidents, with photo proof, from this same individual. I tried my best to bring all of my terrible experiences and abuse I endured to the attention of my leadership and even started attending therapy. I was diagnosed with anxiety and depression and I currently am still going to therapy and trying to work through all my past experiences. Instead of getting me the help I desperately needed, they proceed to move forward with my discharge. I believe my discharge characteristic should be changed because it was misconduct that had me discharged, it was the lack of support and care for my situation and it felt like I was pushed to the side and given a general. I believe I am resilient and capable of turning my life around and not letting my abuse define me and therefore I'd like for my characteristic to be changed to honorable."

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

The applicant records revealed the applicant was command referred to the Family Advocacy Program(FAP) for allegations of bi-directional intimate partner violence during her time in service and participated in FAP services although continued to have communication and contact with her partner. A review of the applicant's in-service records revealed the applicant was seen for two session at the behavioral health optimization program (BHOP) after she received her third article 15. The applicant's records revealed the applicant sought the guidance of BHOP for setting boundaries with her ex-partner.

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 general character of service due misconduct (minor infractions) with two year, ten months, ten days time in service. The applicant's

contentions are contradictory to the records available for review. A review of the applicant's discharge package revealed the applicant's commander stated in his recommendation for discharge "[the applicant] was given multiple opportunities to conform her conduct to acceptable standards before discharge was recommended. Despite the unit's best effort to rehabilitate her [the applicant] continued to engage in minor disciplinary misconduct. [The applicant] displayed not only consistent lack of effort to meet the basic standards expected of all Airmen, but a disregard for the impact that her actions have on the good order and discipline of the unit, group, wing, and installation." A review of the applicant's administrative record revealed the applicant's misconducts included violating a no contact order, willfully making a false statement regarding violating the no contact order, failing to report for accountability, sleeping on post, and consuming alcohol under the age of 21. The applicant responded, regarding her first two Article 15s that she had no excuse, she was young and got a taste of freedom and was not focused on her duties as security forces member. The applicant contended to her leadership that she did not violate the no contact order, thus liberal consideration would not mitigate or excuse misconduct that that applicant contends did not occur. Based on review of the applicant's records, the applicant's experience of intimate partner violence, as offender and victim, were known and fully considered by the applicant's command during the discharge process.

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

Based on review of the applicant's records, the applicant's experience of intimate partner violence, as offender and victim, were known and fully considered by the applicant's command during the discharge process. No inequity or impropriety was found in review of the applicant's records, thus the applicant's discharge is 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.

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.

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

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 26 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

Attachment:
Examiner's Brief (Applicant Only)

