

SUMMARY: The Applicant was discharged on February 28, 2020 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Under Honorable Conditions (General) Service Characterization for Misconduct (Minor Infractions). The Applicant requested an upgrade of their Service Characterization.

The Applicant requested the Board be completed based on a Record Review. The Board was conducted on 13 March 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, including evidence submitted by the Applicant. The Board thoroughly reviewed 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 to their discharge:

- Letter of Counseling (LOC) for Failure to attend mandatory Appointment
- Letter of Reprimand for Fitness Failure (2 Times)
- LOC for Disrespect towards a Noncommissioned Officer
- LOC for Failure to obey orders from supervisor
- Demotion for three fitness failures

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 sought a review and upgrade of their military discharge, attributing difficulties during service to a service-connected medical condition. They cited a severe head injury in 2019 as the onset of debilitating migraines, major depression, anxiety, and suicidal ideation. The Applicant asserted that these conditions, compounded by pre-existing mental health challenges, significantly impacted their ability to serve. Despite these adversities, the Applicant emphasized their commitment to personal and professional growth, highlighting earned professional certifications and their intent to pursue higher education using GI Bill benefits. The Applicant further noted that the VA had assigned them a 100% disability rating, underscoring the severity of

their condition. Based on these factors, the Applicant believed an upgraded discharge status was warranted to accurately reflect their resilience and facilitate access to resources essential for achieving their future aspirations.

The DRB found insufficient evidence to support the Applicant's claim that their post-service mental health conditions, while recognized as service-connected by the VA, directly excused the misconduct leading to their discharge. The Board noted a pattern of misconduct predating the Applicant's reported head injury, and a lack of associated medical documentation linking the injury to their behavior in service. Furthermore, a military medical professional had deemed the Applicant fit for duty at the time, and the Applicants themselves took responsibility for their actions during the initial discharge process without raising significant mental health concerns. Therefore, the Board has determined that the Applicant's discharge status should remain as it currently stands.

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 "TBI" and "other mental health" on the application. The Applicant contended, "I respectfully request a review and upgrade of my military discharge status due to a medical condition that developed during my service. On [date], I was struck by a metal door, resulting in severe facial lacerations and a Traumatic Brain Injury. Since then, I have experienced debilitating migraines and have been diagnosed with major depression, anxiety, and suicidal thoughts, all directly linked to my injury. These conditions have significantly impacted my daily life and behavior, especially given my pre-existing mental health challenges."

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

A review of the Applicant's records revealed that the Applicant incurred a concussion during his time in service and received the diagnosis of mild concussion (mTBI). Based on a review of the medical records, there is no evidence that the Applicant incurred severe facial lacerations. The Applicant's records revealed that his neurology follow-up evaluation indicated unremarkable findings. However, the Applicant reported continued symptoms of intermittent headaches. The Applicant's records revealed that the Applicant intermittently sought mental health services during his time in service and reported symptoms of stress and low mood related to fitness failures and occupational stress.

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

A review of the Applicant's DD214 revealed that the Applicant was discharged with a general character of service due to misconduct (minor infractions) with three years, eight months, and twenty-eight days of service. A review of the Applicant's discharge package revealed that the misconducts that led to the Applicant's discharge included disciplinary action of three LOCs, one LOR, and demotion from E-4 to E-3 for misconducts including failure to report, failure to achieve satisfactory physical fitness scores, insubordination, and failure to obey a lawful order. Based on a review of the timeline of when the Applicant's mTBI occurred in service, the Applicant's records revealed a pattern of misconduct before incurring a mTBI with no misconduct documented

other than a physical fitness failure after. A review of the Applicant's records revealed that the Applicant was discharged due to a pattern of failing physical fitness tests, (4) failing to attend scheduled appointments, and disrespectful behavior toward an NCO. The Applicant's records revealed that he attributed his fitness test failures to physical injuries, which are outside the scope of liberal consideration. There is no evidence that a mental health condition or the Applicant's experience of mTBI caused or mitigated the misconduct that led to the Applicant's discharge.

The Applicant submitted his VA rating as evidence in support of his claim and reported that his mental health conditions have been linked to his mTBI. A review of the Applicant's post-service records revealed that the Applicant self-reported a diagnosis of PTSD to providers and reported his traumatic experiences to be from childhood traumatic experiences before his time in service. Regarding the Applicant's concurrence with his VA ratings, the VA, operating under a different set of laws than the military, is empowered to offer compensation for any medical or mental health condition with an established nexus to military service without regard to its impact on a member's fitness to serve, the narrative reason for release from service, or the length of time that has transpired since the date of discharge. The VA may also conduct periodic reevaluations to adjust the disability rating as the level of impairment from a given condition may improve or worsen over the veteran's life. At the "snapshot in time" of the Applicant's service, there is no evidence that the Applicant's mTBI caused or mitigated the misconduct(s) that led to the Applicant's discharge.

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

Because the Applicant's in-service experience of mTBI did not mitigate his discharge, the Applicant's discharge was 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 AND 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. The DRB voted unanimously to **deny** the Applicant's request. Therefore, the awarded Service Characterization 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 April 16, 2025.

Should the Applicant wish to appeal this decision, they 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>

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)