

**SUMMARY:** The Applicant was discharged on April 5, 2022 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions - General discharge for Misconduct. The Applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the reentry code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 20 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, 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 assault consummated by battery upon an intimate partner and violation of a no contact order
- Letter of Counseling (LOC) for failure to shave
- LOC for derelict in performance of your duties

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 states that they were discharged due to cultural factors, specifically a relationship with someone from a different ethnic group despite the disapproval of the partner's parents. According to the Applicant, this disapproval led to their parents contacting civilian authorities. While the Applicant states that the civilian authorities did not pursue charges, they believe the military continued to take action against them. The Applicant attributes their discharge to a cultural misunderstanding.

The DRB determined, despite the Applicant's claim of cultural misunderstanding, the Board found a documented pattern of misconduct leading to the Applicant's discharge. The discharge package revealed the Applicant disobeyed a direct order to cease certain behaviors, which led to an arrest, and then a subsequent arrest followed due to the Applicant violating a no-contact order. The command deemed the Applicant's discharge necessary, and while witness statements addressed the relationship issues, there was no evidence that suggested any retaliatory action on behalf of the command. Furthermore, the Applicant made no claim of a mental health condition that contributed to their misconduct, and according to the available documentation, no such connection is captured in their records.

The DRB found no evidence of impropriety or inequity in the discharge process. The Applicant's misconduct, involving domestic violence, precludes liberal consideration. Therefore, the discharge was deemed appropriate.

**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" and "other mental health" on the application. The Applicant made no mental health contentions in his request for relief from the Board and contended "my discharge was based on culture issues. I was in a relationship with someone from another ethnic group and their [other person's] parents did [unreadable] they called the civilian authorities. The civilian authorities dropped case but military continued prosecution."*

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

*A review of the Applicant's in-service medical records revealed the Applicant received outpatient and partial hospitalization mental health services during their time in service for symptoms of sleep paralysis, nightmares and initial and middle insomnia. The Applicant's records revealed the Applicant received substance use services related to maladaptive alcohol use and Family Advocacy Program services due to intimate partner violence allegations during their time in service. The Applicant's records revealed the Applicant received the diagnosis of PTSD during their time in service and reported their symptoms were well managed prior to their discharge board hearing and requested to terminate mental health services.*

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 six years, eleven months, twenty-nine days time in service. A review of the Applicant's discharge package revealed the misconduct(s) that led to the Applicant's discharge included physical violence to their intimate partner resulting in bodily harm on multiple occasions. The Applicant made no claim or contention that a mental health condition caused or substantially contributed to the misconduct(s) that led to their discharge, nor is there any evidence of a nexus between the Applicant's in-service mental health condition and the misconduct(s) that led to their discharge. Further, the intent of liberal consideration generally does not apply to misconduct involving harm to others,*

*including the Applicant's misconduct(s) of incidents of repeatedly striking their intimate partner and unlawfully grabbing them and striking them on the shoulder multiple times. Additionally, premeditated misconduct is generally excluded from the intent of liberal consideration including violating a no-contact order.*

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

*The intent of liberal consideration generally does not apply to misconduct involving harm to others, including the Applicant's misconduct(s) of incidents of repeatedly striking their intimate partner and unlawfully grabbing them and striking them on the shoulder multiple times. Additionally, premeditated misconduct is generally excluded from the intent of liberal consideration including violating a no-contact order. The severity of the Applicant's misconduct outweighs any mitigation from the Applicant's in-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 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," and the reentry code shall remain "2B." The DRB results were approved by the Presiding Officer on April 4, 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)