

SUMMARY: The Applicant was discharged on 19 February 2013 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Under Other than Honorable Conditions Service Characterization for In Lieu of Trial by Court-Martial. 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 12 March 2026. 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 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 were dealing with undiagnosed mental health issues, to include psychosis and depression, while in the service, and have now been professionally diagnosed with these mental health disorders. The Applicant requested a discharge upgrade to be eligible to receive VA benefits.

A review of the Applicant's military personnel record the Applicant consumed several alcoholic beverages at a party then took a motorcycle ride in which they lost control of the motorcycle and incurred serious injuries. The Applicant was taken to the hospital by their wife where it was confirmed their blood alcohol content was over the legal limit for operating a motor vehicle in the state. The Applicant begged a subordinate service member that was present at the party to not say anything about the incident because the Applicant was concerned about the impact on their career. The service member fabricated a story that the Applicant had fallen off the roof of their home causing the injuries. The service member conveyed the untrue story to both medical personnel and the Applicant's unit leadership. The Applicant continued with the story and made no attempt to correct it. The unit referred two charges and specifications against the Applicant to a Special Court-Martial for violating Uniform Code of Military Justice Article 81, for conspiracy and Article 111, for drunken or reckless operation

of a vehicle. The Applicant subsequently submitted a request for discharge in lieu of trial by court-martial which was approved by the convening authority.

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 box for "other mental health" on the application. The Applicant contended they were dealing with undiagnosed mental health issues, including psychosis and depression, while in the service, and have since been professionally diagnosed with these health disorders.

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

There is no evidence that the Applicant sought or received any mental health treatment during their time in service. There is no evidence that the Applicant exhibited or endorsed any clinically significant features of a mental health condition during their time in service. There is also no evidence the Applicant received a mental health diagnosis during their time in the service, and the Applicant did not provide any post-service information for the Board to review. A review of the applicant's in-service records revealed the Applicant denied mental health symptoms when asked directly by healthcare providers and on their post-deployment assessments. There is some evidence the Applicant reported symptoms of stress and anxiety in a post-surgery evaluation related to their legal circumstances and coping with the severity of the injuries they incurred as a result of driving a motorcycle under the influence of alcohol.

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

A review of the Applicant's discharge package revealed the misconduct that led to the discharge included conspiracy to have another service member make a false official statement related to the nature of how the injuries occurred and drunken operation of a vehicle. There is no evidence that the Applicant sought or received any mental health treatment during their time in service or endorsed or exhibited any clinically significant mental health symptoms at any time during their more than fourteen years in service. There is also no evidence that the Applicant received a mental health diagnosis during their time in service and the Applicant did not provide any post-service information for review. The intent of liberal consideration generally does not apply to premeditated misconduct, including falsifying the circumstances regarding how serious injuries were incurred in attempt to avoid disciplinary action. Had there been evidence that the Applicant was impacted by a mental health condition during their time in service, it is unlikely that a mental health condition would have excused or mitigated the severe misconduct that led to the Applicant's discharge.

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

The severity of the Applicant's misconduct outweighed any mitigation that a mental health condition would have had on the premeditated misconduct that led to the Applicant's discharge.

However, 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 evidence of inequity or impropriety. The Board majority found similarly situated Service members sometimes receive disparate punishment. A Service member in one location could face court-martial for an offense that routinely is handled administratively across the Service. While a court-martial would be within a command’s authority to choose as a specific disposition forum, DRBs should nevertheless consider uniformity and unfair disparities in punishments as a basis for relief. Therefore, the Board majority determined referring the Applicant’s offenses to a Special Court-Martial was overly harsh considering the nature of the misconduct and found a basis to upgrade the Applicant’s discharge characterization and narrative reason.

FINDING AND CONCLUSION: After a thorough review of the available evidence, including the Applicant’s issues, summary of service, service/medical record entries, and discharge process, the Board majority found the discharge was inequitable and voted two to one to *approve* the Applicant’s request. Therefore, the awarded Service Characterization shall change to “Under Honorable Conditions (General). The DRB also voted two to one to upgrade the Narrative Reason. Therefore, the Narrative Reason for separation shall change to Secretarial Authority. Finally, the DRB voted unanimously to deny changing the Reentry Code, therefore, the Reentry Code shall remain 2B. The DRB results were approved by the Presiding Officer on March 18, 2026.

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://afrbportal.azurewebsites.us>

Should the Applicant wish to appeal this decision, they must seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

Instructions on how to appeal an AFDRB decision can be found at <https://afrbportal.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)