

**SUMMARY:** The Applicant was discharged on June 10, 2024 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Under Honorable Conditions (General) Service Characterization for Misconduct (Civil Conviction). The Applicant requested an upgrade of their Service Characterization and a change to the Narrative Reason for separation.

The Applicant requested the Board be completed based on a Record Review. The Board was conducted on December 11, 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 up to their discharge:  
-Letter of Reprimand for domestic violence

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 that their discharge characterization is incorrect and unjust because the discharge occurred before their civil conviction, rendering it based on preliminary and ultimately inaccurate information. The Applicant stated they were seeking alcohol misuse and mental health treatment prior to which caused their leadership to look at them differently. In addition, prior to the incident, they claimed they were a victim of domestic violence, but their leadership turned a blind eye to it.

The DRB determined the discharge was proper and equitable. A thorough review of the Applicant's record revealed they were apprehended by the local police department for domestic battery in which they were sentenced to 120 days in jail, suspended, and ordered to complete various conditions. This misconduct led to a letter of reprimand and a recommendation for administrative discharge with an Under Other Than Honorable characterization of service. The Applicant submitted a discharge conditional waiver contingent upon receipt of

an Under Honorable Conditions (General) characterization of service which was approved. The Board acknowledges the Applicant was not charged with domestic violence; however, their records contained evidence of repeated domestic violence incidents and persistent alcohol misuse, even during treatment. Furthermore, the Applicant failed to provide sufficient documentation to support an upgrade based on Wilkie factors. Therefore, the Board denied the Applicant's request to upgrade the service characterization and change the narrative reason for separation.

**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?

*Yes. The Applicant does have a condition or experience that may excuse or mitigate the discharge. Based on a review of the available records, the Applicant was diagnosed with Adjustment Disorder, Alcohol Disorders, Major Depressive Disorder, and Anxiety with panic attacks. On the DD293, the Applicant marked the following boxes for issues/conditions related to his upgrade request: Other Mental Health, Reprisal/Whistleblower and Intimate Partner/Domestic Violence. The Applicant contends in their narrative statement that they were discharged in June 2024 with a characterization that is both incorrect and unjust because they had not been civilly convicted until September 2024 and they were found innocent of the initial charges and convicted on a lesser charge of disturbing the peace. Per the court docket that the Applicant provided, the complaint was filed on 7 March 2023 and the original violation was battery/domestic violence. They further contend in their narrative statement that they were a victim of domestic violence themselves and sought alcohol misuse and mental health treatment for which "instead of being supported, I was unfairly punished for trying to address these personal struggles."*

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

*Yes. The Applicant does have a condition or experience that occurred during military service. The psychological advisor considered the "Kurta Memo" guidance that a "diagnosis made by a licensed psychiatrist or psychologist that the condition existed during military service will receive liberal consideration." In this case, a review of the available records revealed that a psychologist, psychiatrist, or other duly qualified mental health provider diagnosed the applicant with Adjustment Disorder with anxiety, Alcohol Abuse, Alcohol Dependence, Major Depressive Disorder, moderate with anxious distress, and Anxiety with panic attacks during his time in service. The psychological advisor also considered the "Kurta Memo" guidance that "A determination made by the Department of Veterans Affairs (VA) that a veteran's mental health condition, including PTSD [Posttraumatic Stress Disorder]; TBI [Traumatic Brain Injury]; sexual assault; or sexual harassment is connected to military service, while not binding on the Department of Defense, is persuasive evidence that the condition existed or experience occurred during military service." In this case, the applicant received a rating of 70% from the VA for Major Depressive Disorder, recurrent, severe with anxious distress and alcohol use disorder. In accordance with the "Kurta Memo," the Applicant's testimony that they were a victim of domestic violence establishes the experience. There is evidence in the case file that the Applicant was engaged with the Family Advocacy Program (FAP) on two separate incidents. For the first FAP incident, there are limited details in the case file, but the medical notes indicated some mutual wrongdoing by the Applicant and their former partner. For the second incident, they completed education for alleged offenders*

*of domestic violence which satisfied the civilian court (i.e., Domestic Violence Level I) and FAP requirements (i.e., Change Step). The psychological advisor is not persuaded based on the available evidence in the case file that reprisal occurred against the Applicant.*

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

*No. The psychological advisor reviewed the available records and the Applicant's personal testimony and determined that the Applicant's adjustment, depression, anxiety, and alcohol disorders do not actually excuse or mitigate the discharge. While the Applicant is commended for completing court-mandated treatment requirements which in turn resulted in the initial charges of battery/domestic violence being reduced to a lesser offense of disturbing the peace, the psychological advisor is persuaded that the physical assault occurred. The psychological advisor considered the "Kurta Memo" guidance that "in some cases, the severity of misconduct may outweigh any mitigation from mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Based on a review of the available evidence, the psychological advisor is persuaded that the Applicant committed a serious domestic violence offense. Having established the existence of the Applicant's own experience of being a victim of domestic violence does not excuse or mitigate them as the offender in a separate domestic violence incident that occurred at a later point in time.*

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

*No. The psychological advisor considered the "Kurta Memo" guidance stating, "In some cases, the severity of misconduct may outweigh any mitigation from mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment." Therefore, the psychological advisor concluded that the severity of the misconduct leading to the discharge is not outweighed by a mental health condition or experience.*

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 two to one 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 (Civil Conviction), and the Reentry Code shall remain 2B. The DRB results were approved by the Presiding Officer on December 29, 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://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)