

**SUMMARY:** The Applicant was discharged on June 18, 2019 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 September 4, 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:

- Article 15 for arriving late to and left early from place of duty without proper authorization on multiple occasions

- Letter of Reprimand for failure to go, did not report to duty on time (two times)

- Letter of Reprimand for fitness failure

- Letter of Counseling for failure to obey an NCO, failing to return from lunch on multiple occasions

- Letter of Counseling for replying dismissively to and disrespected an officer

- Letter of Counseling for failing to respond to telephonic recall, resulting in reporting an hour late

- Record of Individual Counseling for lack of duty performance

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 was improper due to the mental health challenges and the sexual assault and sexual harassment they experienced in the workplace which severely affected their ability to perform their duties effectively.

The DRB determined the discharge was improper. A thorough review of the Applicant's administrative and medical records revealed they were discharged for minor disciplinary infractions. They contended they were sexually assaulted and sexually harassed in June 2017. Although there were no records that any of these experiences occurred during their time in service, which is common due to members not reporting for many different reasons. The timeline of the Applicant's medical records and the adverse actions created a nexus between their traumatic experiences and acts of misconduct. Therefore, the Board approved the Applicant's request.

**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 marked "OTHER MENTAL HEALTH" and "SEXUAL ASSAULT/HARASSMENT" on their application, DD Form 293, and contended that their discharge was improper due to the mental health challenges and the sexual assault and harassment trauma that they experienced during service, affecting their ability to perform their duties. They faced several incidents of sexual assault and harassment in June 2017 while in-service. They experienced trouble sleeping and a lack of energy, resulting in their being late for work.*

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

*A review of the Applicant's service treatment records indicated they were first seen at the Behavioral Health Optimization Program (BHOP) clinic in September 2017 by referral of their Obstetrician/Gynecologist (OBGYN) for complaints of having anxiety in social settings, public speaking, and being around people. They were given a diagnosis of Adjustment Disorder with Anxiety and were recommended to follow up with BHOP. They did not follow their recommendation and were not seen at BHOP after this encounter. A couple of years later, in March 2019, they presented to the mental health clinic (MHC) on base due to feeling low motivation after receiving multiple administrative paperwork. They explained they had been showing up late to work because they were feeling tired, having low motivation, and not wanting to go to work, which began a month prior. They also discussed sleeping 11 hours a night in the last three days, whereas they used to sleep six hours a night and had a loss of interest in hobbies. They were not given a mental disorder diagnosis at this time. A telephone conversation note dated May 2019 reported they were seen by the Marriage and Family Life Counselor (MFLC) after being seen at the MHC in March 2019. Treatment notes from MFLC are unavailable for review; however, MFLC does not maintain treatment records as it is their standard operating procedure. The T-CON note reported they had been having anxiety and depression on and off for two years. The cause of their anxiety and depression was not reported. They completed an intake evaluation at the MHC in May 2019 for treatment services and made similar reports that they had been feeling depressed on and off for two years since being stationed at their duty station, and their depression had increased since receiving disciplinary actions for being late to work and leaving work early. They disclosed experiencing social anxiety and depression before they entered the military and reported having the same feelings in high school that were caused by failing their public speaking class and having family problems. They engaged in unhealthy coping mechanisms such as reckless driving, increased sleep, and excessive spending. They were given a diagnosis of Adjustment Disorder, Unspecified. This was the last time they were seen by a mental health provider during service. There are no records that they reported being sexually assaulted or sexually harassed during service.*

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

*The Applicant was discharged from service for engaging in minor disciplinary infractions that included failing to obey a non-commissioned officer, failing to return from lunch on multiple occasions, lack of duty performance on two occasions, replied dismissively to and disrespected an officer, failed to respond to a telephone recall resulting in reporting an hour late to work, failing to go and did not report to duty on time with two occasions, fitness failure, and arrived late to work and left early without authorization on multiple occasions from the period between August 2017 and May 2019. The Applicant contended that they were sexually assaulted and sexually harassed in June 2017. Although there are no records that any of these experiences had occurred during their service, their records indicated that all of their documented misconduct occurred after these experiences, indicating a possible nexus between their traumatic experiences and acts of misconduct. They also reported to a mental health provider in May 2019 that their anxiety and depression began about two years prior, which was 2017, around the time that their sexual assault and experiences occurred. During service, they endorsed depressive symptoms of sleeping more often than usual, having low motivation, having a loss of interest, and not wanting to go to work, which more likely than not contributed to their failure to go and being late for work on multiple occasions, lack of duty performance, and fitness failure, and supported their contention. Depression also may cause one to experience irritability and anger outbursts that could have caused them to be disrespectful to their leadership. Their depression did not cause them to fail to return from lunch and leave their work early without authorization on numerous occasions. There is evidence that the Applicant had social anxiety and depression prior to their military service, and no evidence or records that their military duties had aggravated these prior service conditions. However, there is evidence from the Applicant's testimony that they experienced sexual assault and sexual harassment during service, and these experiences aggravated their prior service condition. Thus, there is sufficient evidence to support that the Applicant's sexual assault and sexual harassment experiences caused most of their misconduct, resulting in their discharge from service. Their mental health condition of depression developed from their sexual assault and sexual harassment experience would excuse and mitigate their discharge.*

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

*Since the Applicant's mental health condition developed from their sexual assault and sexual harassment experiences excuses and mitigates their discharge, their condition or experiences would also outweigh their discharge to support their request for an upgrade of their discharge.*

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 improper. The DRB voted unanimously to **approve** the Applicant's request. Therefore, the awarded Service Characterization shall change to "Honorable," the Narrative Reason for separation shall change to Secretarial Authority, and the Reentry Code shall remain 2B. The DRB results were approved by the Presiding Officer on September 9, 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)