

SUMMARY: The Applicant was discharged on September 3, 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 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:

- Article 15 for failure to go at the time prescribed to their appointed place of duty
- Letter of Reprimand for failure to report to mandatory squadron PT
- Letter of Reprimand for vehicle violation and warrant for failure to appear in court
- Letter of Admonishment for failure to pay military star card
- Letter of Counseling for failure to report to mandatory PT, place of duty, and scheduled medical appointment

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 stated they were diagnosed with obstructive sleep apnea, major depressive disorder, and chronic migraines while on active duty. They asserted that these conditions significantly impacted their performance and ultimately led to a service-connected disability rating shortly after discharge.

The DRB determined the discharge was proper and equitable. The Applicant's record shows a pattern of willful misconduct to include several incidents of failure to report vehicle violations, and failure to pay Military Star card balance. During service, they sought treatment via mental health and ADAPT for alcohol abuse but did not

comply with the treatment plans. The Applicant's chain of command provided ample opportunities for the Applicant to correct their misconduct. In addition, the Applicant did not provide any substantial supporting documents that would warrant relief based on the Wilkie factors. Therefore, the Board denied the Applicant's request to upgrade their Service Characterization.

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. On the DD Form 293, the Applicant contends that they were diagnosed with obstructive sleep apnea, chronic migraines and Major Depressive Disorder that have culminated in a service-connected disability. They also marked the following issue/condition is related to their request on the form: Other Mental Health.

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

Yes. The psychological advisor is persuaded that the Applicant's mental health condition or experience 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 the Applicant was diagnosed with Adjustment Disorder, Major Depressive Disorder (unspecified), Anxiety Disorder (unspecified) and Alcohol Use Disorder (severe) by a duly qualified mental health provider during military 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, a review of the available record indicated that the Applicant is 70% service connected for Major Depressive Disorder.

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 mental health condition or experience does not actually excuse or mitigate the discharge. The Applicant engaged in willful misconduct by failing to report to their prescribed duty location at the prescribed time on multiple occasions, failing to appear in court for a civilian traffic violation, and failing to pay his Military Star Card. They had adequate access to medical care and support to receive treatment for their diagnosed mental health conditions, including medication management and psychotherapy. They frequently missed appointments in the Mental Health Clinic and had to be contacted by clinic staff to determine whether they desired to continue with mental health services. They also self-referred for an alcohol evaluation which identified that they had a severe alcohol use disorder. They began alcohol treatment, did not complete

homework assignments, claimed not to have a significant problem with alcohol as they initially thought, and then declined to further participate resulting in an alcohol treatment program failure.

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

No. The psychological advisor considered the “Kurta Memo” that premeditated misconduct is not generally excused by mental health conditions. Therefore, the psychological advisor concluded that the mental health condition or experience does not outweigh the 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 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 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)