

SUMMARY: The Applicant was discharged on February 2, 2021 in accordance with Air Force Instruction 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, with an Uncharacterized / Entry Level Separation Service Characterization for Fraudulent Entry. The Applicant requested 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 September 04, 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 did not include any documented misconduct leading up to their discharge.

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 their discharge was due to mental health issues and an active restraining order. They stated they were unaware of the reporting requirement for the restraining order, which stemmed from a misunderstanding. The Applicant also reported a bipolar disorder diagnosis years prior to enlistment, stating they had discontinued medication a year before joining and experienced neither mania nor depression during service.

The DRB determined the discharge was proper and equitable. The discharge package was not available for review. Per DAFI 36-2023 para, *The Secretary of the Air Force Personnel Council*, paragraph 3.2.4 "The DRB is not an investigative body and presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to overcome this presumption. The presumption of regularity dictates that, absent evidence to the contrary, commanders, supervisors, and other officials involved with an action acted fairly and in good faith. The Applicant bears the burden of providing evidence to overcome this presumption, and the

Board will only grant relief if it determines there is sufficient evidence to conclude the applicant's discharge was not proper or equitable. The Applicant stated in their application to the Board that they had a diagnosis of bipolar disorder years prior to joining which they did not disclose during their enlistment process. Although they were not experiencing mania nor depression, the diagnosis is a disqualifying condition from military service. Due to these reasons, the Board denied the Applicant's request for a change to their narrative reason.

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 "PTSD" for Posttraumatic Stress Disorder, "TBI" for Traumatic Brain Injury, and "OTHER MENTAL HEALTH" on their application, DD Form 293, and contended that it was their understanding that they were released from duty due to mental health reasons and a restraining order from a former partner. In terms of the restraining order, they said it was new and were unaware they had to report the restraining order, and it was the result of a misunderstanding. In terms of their mental health, they were diagnosed with bipolar disorder years ago. They stopped taking their medication for about a year before enlisting and was doing well. They had not dealt with mania or depression at the time of enlisting but were dealing with PTSD and anxiety from being stalked. They reported they had been doing well. They did not discuss their condition of TBI.

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

According to the Applicant's contention, they had Bipolar Disorder, PTSD, and anxiety prior to their enlistment. These conditions existed prior to service (EPTS). The Applicant did not discuss their TBI, but the post-service medical records they submitted reported they had a history of TBI. There are no records reporting that they sustained a TBI or developed a mental health condition during service.

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

The Applicant's discharge paperwork is not available or submitted by the Applicant for review. A Report of Separation and Record of Service document reported that the Applicant was discharged from the Air National Guard for fraudulent entry. There are no official records defining what their fraudulent entry entailed. There are no records confirming that their fraudulent entry was related to their mental health condition or that they had a mental health condition. From the Applicant's contention and application, their fraudulent entry was possibly related to having Bipolar Disorder, PTSD, TBI, and anxiety, but no records are available to confirm this information. Should it be the case that the Applicant was discharged for fraudulent entry because of their mental health condition, then their mental health condition does not excuse or mitigate the discharge. The available records and the Applicant's contention indicated that their mental health condition was EPTS, and there is no evidence that it was aggravated by their military service. Their EPTS mental health condition was most likely disqualifying for military service, which may have caused their fraudulent entry. Therefore, their mental health condition does not excuse or mitigate their discharge.

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

Since the Applicant's mental health condition does not excuse or mitigate their discharge, their condition also 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 Uncharacterized / Entry Level Separation, the Narrative Reason for separation shall remain Fraudulent Entry, and the Reentry Code shall remain 2B. The DRB results were approved by the Presiding Officer on September 12, 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)