

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00155  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflect he was separated for a medical condition existing prior to service.

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APPLICANT CONTENDS THAT:

DD Form 2697, *Report of Medical Assessment*, completed on 17 Apr 2008, should reflect he experienced symptoms of social anxiety disorder as previously diagnosed on 30 Apr 2004.

On 12 Nov 2009, following his discharge from the Air Force, he obtained copies of his medical records reflecting his diagnosis of social anxiety. The Diagnostic and Statistical Manual of Mental Disorders reflects social anxiety leads to excessive alcohol consumption. His driving infractions in 2007 and 2008 occurred following social gatherings where he excessively consumed alcohol due to his social anxiety disorder, which is a medical condition existing prior to service.

In support of his request, the applicant provides a copy of his civilian medical evaluation.

The applicant's complete submission, with attachment, is at Exhibit A.

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STATEMENT OF FACTS:

On 9 Aug 2005, the applicant enlisted in the Regular Air Force for a period of four years.

On 6 Jan 2005, the applicant completed a DD Form 2807-2, *Medical Pre-Screen of Medical History Report*, on which he placed his initials in the block indicating "No" in response to questions asking if he was ever seen by a psychiatrist, social worker, counselor or other professional for any reason (inpatient or outpatient), including counseling or treatment for school, adjustment, family, marriage, or any other problems to include depression or treatment for alcohol, drug, or substance abuse."

On 2 Feb 2005, the applicant completed DD Form 2807-1, *Report of Medical History*, on which he again checked the block "No" in response to questions indicating that he had not received

counseling of any type, had not experienced depression or excessive worry, and had not been evaluated or treated for a mental condition.

On 3 Apr 2008, his commander notified him that he was recommending his separation from the Air Force for a pattern of misconduct, specifically conduct prejudicial to good order and discipline under the provisions of AFI 36-3208, *Administrative Separation of Airmen*. The specific reasons for this action were:

On or about 31 Dec 2006, he was discovered in the parking lot of a dormitory, in physical control of a truck, while his alcohol concentration was .08 percent. For this offense he received an Article 15 and was reduced to the grade of airman (Amn, E-2).

On or about 18 Mar 2008, he was stopped for speeding and was subsequently arrested for driving under the influence (DUI) of alcohol. A breathalyzer result indicated an alcohol concentration of .13 percent, which is over the DUI legal limit of .08 percent. For this offense he received a Letter of Reprimand (LOR).

On 18 Apr 2008, he acknowledged receipt of the notice of discharge and submitted statements for consideration.

On 21 Apr 2008, the Staff Judge Advocate (SJA) reviewed the case and recommended he be separated with a general discharge without probation and rehabilitation.

On 7 May 2008, the applicant was discharged from the Air Force with a general discharge in the grade of airman first class (E-3). He served 2 years, 8 months and 29 days of total active service.

On 29 Jun 2011, the applicant's case was presented before the Air Force Discharge Review Board (DRB) in his appeal for an upgrade of discharge to honorable, contending that his discharge was inequitable because it was "too harsh." The DRB noted that on 15 Apr 2008, prior to discharge, the applicant completed a DD Form 2697, on which he "did not note any physical or mental issues and was cleared for separation." The DRB concluded that the "negative aspects of the applicant's service outweighed the positive contributions he made in his Air Force career," in deciding to deny the applicant's appeal for an upgrade of discharge characterization to honorable.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force at Exhibit C.

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AIR FORCE EVALUATION:

The BCMR Medical Consultant recommends denial. The BCMR Medical Consultant states after several episodes of care with military mental health providers, the applicant's mental health evaluations consistently failed to identify a diagnosable or disqualifying mental disorder that would demonstrate a clear causal relationship with his alcohol-related incidents; notwithstanding the "psychosocial stressors" identified on 10 Apr 2008. Moreover, although the applicant contends that a pre-existing social anxiety disorder may explain his decision to use of alcohol, it does not excuse its recurrent inappropriate use while in control of a motor vehicle. Likewise, there is no indication that any diagnosable mental disorder interfered with the applicant's ability to distinguish right from wrong or rendered him incompetent in thought processes and decision-making. The BCMR Medical Consultant acknowledges that a general discharge after two alcohol-related incidents, occurring nearly two years apart and successful completion of the Air Force Alcohol and Drug Abuse Prevention and Treatment (ADAPT), without a disqualifying diagnosis, in an otherwise top performing service member may appear too harsh to the casual observer. However, it is likely that the applicant as a member of Security Forces, he was held to a higher standard of conduct. Thus, the BCMR Medical Consultant opines the applicant's commander acted within his authority to administratively discharge the applicant and, thus, opines the applicant has not met the burden of proof of an error or injustice that warrants the desired change of the record.

The complete BCMR Medical evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 16 Oct 2012, a copy of the Air Force evaluation was forwarded to the applicant for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice to warrant promotion to the rank of staff sergeant. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the BCMR Medical Consultant and adopt his rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered Docket Number BC-2012-00155 in Executive Session on 15 Nov 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered in AFBCMR BC-2012-00155:

- Exhibit A. DD Forms 149, dated 17 Jul 2012, w/atch.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, BCMR Medical Consultant, dated 15 Oct 2012.
- Exhibit D. Letter, SAF/MRBC, dated 16 Oct 2012.

Panel Chair