

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

FD-2017-00304

SUMMARY:

The applicant was discharged on 08 September 2011 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airman* with an Entry Level Separation for Entry Level Performance and Conduct. The applicant appealed for an upgrade of his discharge characterization, a change to the discharge narrative reason, and a change to the reenlistment eligibility code.

The applicant was represented by counsel.

The applicant requested the board be completed based on a records only review. The Board was conducted on 27 July 2023.

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 reenlistment eligibility code. In reviewing discharges, the board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to rebut the presumption, to include evidence submitted by the applicant. The Board completed a thorough review of 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 applicant's record of service included a Letter of Reprimand and a Letter of Counseling. His misconduct included: Blatantly disrespected an NCO military training instructor during recruit living area progress checks; failed to stand at attention and render a reporting statement, then proceeded to argue; Willfully disregarded an order to go to dorm B1 to prepare for re-evaluation of weapons training; after failure of re-evaluation, disregarded an order to get assistance from weapons monitor.

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 impropriety in that there was an error of discretion regarding his discharge. He explained that his chance to serve was cut short due to his commanders continually picking on him. The applicant continued to explain that there were adjustment issues, but the infractions were minor and common for trainees. The applicant also contended inequity due to positive post-service conduct.

The DRB recognized the applicant's preference to upgrade his discharge characterization. However, this would violate current Air Force policy IAW AFI 36-3208, which states Airmen are in entry level status during the first 180 days of continuous active military service and if a separation action is initiated during this time, they will receive an entry level separation without service characterization. Therefore, the applicant's request to "upgrade" to "Honorable" could not be approved.

The DRB reviewed the applicant's entire service record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge. The applicant demonstrated the inability to adapt through a continued pattern of misconduct. Despite progressive discipline from all levels, he continued this negative behavior. This is not common, as the vast majority of first-term Airmen properly adhere to Air Force standards of conduct. The Board is happy the applicant has been successful post-service, however, there was no impropriety or inequity in the discharge that would warrant an upgrade.

FINDING: The DRB voted unanimously to *deny* the applicant's request to upgrade his discharge characterization, to change the discharge narrative reason, and to change the reenlistment eligibility code.

Should the applicant wish to appeal this decision, the applicant 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.

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. Therefore, the awarded characterization of service shall remain "Entry Level Separation," the narrative reason for separation shall remain "Entry Level Performance and Conduct," and the reentry code shall remain "2C." The Air Force DRB (AFDRB) results were approved by the board president on 28 July 2023. 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, NAF Washington, MD 20762-6602

Instructions on how to appeal an AFDRB decision can be found at
<https://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)