

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

SUMMARY: The applicant was discharged on 19 December 2018 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airman* with an Entry Level Separation for Entry Level Performance/Conduct. The applicant appealed for an upgrade of his discharge characterization and a change to the reenlistment eligibility code.

The applicant was not represented by counsel.

The applicant initially chose to have a personal appearance before the Discharge Review Board (DRB), but due to lack of response from the applicant in regard to scheduling the appearance, the President of the DRB authorized to complete the review of the discharge, per DOD 1332.8, E3.2.6.2. The applicant did not have a prior records only review; therefore, the board deemed him eligible for one.

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 an Article 15 and multiple Letters of Counseling and Reprimand. His misconduct included: failure to go on multiple occasions, sleeping on duty, and dereliction of duty.

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 his current discharge characterization prevented him from qualifying for Department of Veterans Affairs (DVA) benefits. He claimed a surgery he received while in the service led to his discharge. He also claimed he is currently serving successfully in the United States Army and access to DVA benefits will help him accomplish his goals.

A review of the applicant's records revealed while attending his technical training course he had multiple incidents of minor disciplinary infractions; including failure to go, failed dorm room inspections, and using his cell phone while on duty. He was administered Letters of Counseling and Reprimand, ordered to remedial training days, punished under Article 15, and had suspended punishment vacated. He submitted a medical document that indicated he had a hernia surgery that pre-dated some of his misconduct, but not all of it.

After a thorough review of the applicant's contentions and his military record, the DRB determined the applicant had a pattern of misconduct that indicated his inability to adapt to military standards. The DRB found no evidence that any medical condition mitigated the applicant's misconduct.

The applicant requested his uncharacterized Entry Level Separation be "upgraded" to "Honorable." 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. Furthermore, the board understood the applicant's present service characterization renders him ineligible for certain DVA benefits. However, this is not a matter of inequity or impropriety which would warrant an upgrade.

FINDING: The DRB voted unanimously to *deny* the applicant's request to upgrade his discharge characterization to "Honorable," 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, the narrative reason for separation shall remain, and the reentry code shall remain. The Air Force DRB (AFDRB) results were approved by the board president on 31 May 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)