

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2022-00441
-------------------------------------------------------------	-------------------------------------

SUMMARY:

The applicant was discharged on 13 August 2021 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airman* with an Entry Level Separation for Misconduct (Serious Offense). The applicant appealed for an upgrade of his reenlistment eligibility code.

The applicant was not represented by counsel.

The applicant requested the board be completed based on a records only review. The Board was conducted on 27 April 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 an Article 15. His misconduct included: Defaced Miller Cave.

The documentary evidence the Board considered as part of the review included: the DD form 293, *Application for the Review of Discharge from the Armed Forces of the United States*; The applicant's personnel file from the *Automated Records Management System (ARMS)*; the DRB Brief; and a Personal Statement from the applicant.

The applicant believed that there was an injustice made in regard to the procedure which led to his discharge and subsequent ban from reenlisting. In his personal statement, the applicant indicated that he unknowingly carved his name into a rock on Native American burial grounds and received an Article 15 for it. He felt that the punishment was enough and was working to redeem himself, but then he was discharged. The applicant felt the discharge was excessive.

The DRB determined the applicant's misconduct may have been youthful indiscretion and the consequences were unduly harsh. Additionally, the evidence suggested a lack of progressive discipline was applied to the applicant's misconduct. Therefore, the Board determined the discharge was inequitable.

An upgrade of the uncharacterized Entry Level Separation to "Honorable" could not be supported because 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.

FINDING: The DRB voted unanimously *approve* the applicant's request to change the reenlistment eligibility code to "3K." It unanimously *denied* any change to his discharge characterization or discharge

narrative reason.

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 inequitable. Therefore, the awarded characterization of service shall remain "Entry Level Separation," the narrative reason for separation shall remain "Misconduct (Serious Offense)," and the reentry code shall change to "3K." The Air Force DRB (AFDRB) results were approved by the board president on 4 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://afrbportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)