



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-01317

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. Her general (under honorable conditions) discharge be upgraded to honorable.
2. Her reentry (RE) code be changed to allow her to reenter the service.
3. Her narrative reason and corresponding separation code be changed.

APPLICANT'S CONTENTIONS

She is asking for a discharge upgrade to allow her to reenter the service. In her personal statement, she takes full responsibility for her behavior; however, she feels she was being targeted because she was counseled for the most tedious issues and was not allowed time to make corrective actions. She suffered incidents of injustice, harassment, intimidation, abuse of power, hostile behavior, workplace aggression, and unprofessional conduct. She goes on to highlight her military career and to provide explanations for her misconduct.

In support of her request for a discharge upgrade, the applicant provides a personal statement, numerous character reference letters, and college documents and transcripts. The character reference letters speak to her professionalism and her desire to serve in the Army.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-3).

Dated 13 Jul 18, Reserve Order **Work-Product** indicates the applicant was honorably discharged from the Air Force Reserve, effective 3 Jun 18.

On 23 Jan 19, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49 for misconduct, letter provided by the applicant. The specific reasons for the action were:

AFBCMR Docket Number BC-2020-01317

Work-Product

Controlled by: SAF/MRB
CUI Categories: **Work-Product**
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

- a. On 15 Aug 18, a Letter of Counseling (LOC) was issued for being out of uniform on 2 Aug 18, wearing a pair of sandals with her uniform, and for being late to work without informing her supervisor on 7 Aug 18, letter provided by the applicant.
- b. On 20 Aug 18, a Letter of Reprimand (LOR) was issued for failing to report for duty on-time on 13 Aug 18, letter provided by the applicant.
- c. On 21 Aug 18, a Letter of Admonishment (LOA) was issued for not complying with the standards for her hair on 15 and 16 Aug 18, letter provided by the applicant. The applicant submitted a rebuttal to this LOA explaining the situation with her hair, letter provided by the applicant.
- d. On 17 Sep 18, an LOR was issued for threatening another airman to which an investigation conducted on 13 Sep 18 disclosed, letter provided by the applicant. The applicant submitted a rebuttal to this LOR explaining the situation was misconstrued, letter provided by the applicant. On this same date, another LOR was issued for failing to go to her appointed place of duty on 17 Sep 18, letter provided by the applicant. She provided a rebuttal explaining she was in a car accident a few weeks earlier which left her without transportation, letter provided by the applicant.
- e. On 24 Oct 18, AF Form 3070A, *Record of Nonjudicial Punishment Proceedings (AB thru SSgt)*, indicates the applicant received nonjudicial punishment (NJP), Article 15 for failing to go to her appointed place of duty on or about 14 Oct 18. She received a reduction in grade to airman first class (E-3), suspended through 23 Apr 19, unless sooner vacated and 10 days of extra duty. The applicant provided a rebuttal to the NJP explaining her situation with several recent events that impacted her life, letter provided by the applicant.
- f. On 16 Jan 19, AF Form 366, *Record of Proceedings of Vacation of Suspended Nonjudicial Punishment*, indicates the applicant's conduct was of a disorderly nature bringing discredit upon the armed forces, on or about 30 Dec 18. Her suspended reduction in grade to airman first class (E-3) was vacated with a new date of rank of 24 Oct 18, effective 17 Jan 19. The applicant provided a rebuttal explaining the situation to which she was charged with disorderly conduct, letter provided by the applicant.

On 6 Feb 19, the applicant received a general (under honorable conditions) discharge. Her narrative reason for separation is "Misconduct (Minor Infractions)" with a corresponding separation code of "JKN" and she was credited with eight months and three days of total active service. She received an RE code of "2B" which denotes separated with a general or under other than honorable conditions discharge.

On 22 Jan 20, the applicant submitted a request to the Air Force Discharge Review Board (AFDRB) for an upgrade to her discharge contending the RE code on her DD Form 214 was not what she was told she would receive upon being discharged.

On 19 May 20, the AFDRB concluded the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and the applicant was provided full administrative due process. The board took note of the applicant's accomplishments and duty performance; however, found the positive aspects of her service did not overcome the seriousness of her willful misconduct and further found she had ample opportunities to change her negative behavior.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit E.

POST-SERVICE INFORMATION

On 26 Nov 24, the Board sent the applicant a request for post-service information and advised the applicant she was required to provide a Federal Bureau of Investigation (FBI) Identity History Summary Check, which would indicate whether or not she had an arrest record. In the alternative, the applicant could provide proof of employment in which background checks are part of the hiring process (Exhibit C). The applicant replied on 2 Jan 25 and provided an FBI report. According to the report, the applicant has had no arrests since discharge. The applicant sent additional court documents, dated 2 Apr 24, to show the disorderly conduct which occurred on 30 Dec 18 to which she received NJP; the L--- V---- Metropolitan Police Department requested prosecution from the C---- County District Court; however, the Court decided not to file criminal charges against her. The applicant also provided another personal statement and four additional character reference statements.

The applicant's complete response is at Exhibit D.

APPLICABLE AUTHORITY/GUIDANCE

On 25 Jul 18, the Under Secretary of Defense for Personnel and Readiness issued supplemental guidance, known as the Wilkie Memo, to military corrections boards in determining whether relief is warranted based on equity, injustice, or clemency. These standards authorize the board to grant relief in order to ensure fundamental fairness. Clemency refers to relief specifically granted from a criminal sentence and is a part of the broad authority Boards have to ensure fundamental fairness. This guidance applies to more than clemency from sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice grounds. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. Each case will be assessed on its own merits. The relative weight of each principle and whether the principle supports relief in a particular case, are within the sound discretion of each Board. In determining whether to grant relief on the basis of equity, an injustice, or clemency grounds, the Board should refer to paragraphs 6 and 7 of the Wilkie Memo.

On 26 Nov 24, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit C).

Department of the Air Force Instruction (DAFI) 36-3211, *Military Separations*, describes the authorized service characterizations.

Honorable. The quality of the airman's service generally has met Department of the Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate.

General (Under Honorable Conditions). If an airman's service has been honest and faithful, this characterization is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the member's military record.

AIR FORCE EVALUATION

AFPC/DPMSSM recommends denying the applicant's request to change her RE code finding no evidence of an error or injustice. The applicant was discharged with a narrative reason for separation of Misconduct (Minor Infractions) with a general (under honorable conditions) character of service after serving eight months and three days of service. She received a RE code on her DD Form 214 of "2B" which denotes separated with a general or under other than honorable conditions discharge based on her general character of service.

The complete advisory opinion is at Exhibit E.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 3 Feb 25 for comment (Exhibit F) and the applicant replied on 11 Feb 25. In her response, the applicant asks for clemency for she wants to serve again and has spent the last six years advocating for a second chance. Her mistakes were labeled as minor infractions, yet she is still being denied the opportunity to move forward. She is willing to meet the requirements necessary to prove her readiness and eligibility and only asks not to be indefinitely punished for her past shortcomings when her present character, determination, and actions show her true potential.

The applicant's complete response is at Exhibit G.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all other available administrative remedies before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is the victim of an injustice. While the Board finds no error in the original discharge process, the Board recommends relief based on fundamental fairness. The Board contemplated the many principles included in the Wilkie Memo to determine whether to grant relief based on an injustice or fundamental fairness. In particular, the applicant expresses a deep desire to serve her country, and the Board finds she

has made a successful transition to civilian life and has matured enough to understand her previous shortcomings. The letters of support she submitted attest to her strong work ethic, leadership skills, compassion, and resiliency. Furthermore, the Board finds the majority of the applicant’s misconduct minor in nature and finds the explanation and the fact the court did not pursue charges against her for disorderly conduct enough to support her request for a discharge upgrade. Therefore, the Board recommends the applicant’s records be corrected as indicated below.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board’s understanding of the issues involved.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 6 Feb 19, she was discharged with service characterized as honorable, a separation code and corresponding narrative reason for separation of JFF (Secretarial Authority), and a reentry code of 3K.

CERTIFICATION

The following quorum of the Board, as defined in DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2020-01317 in Executive Session on 26 Sep 25:

Work-Product	Panel Chair
Work-Product	Panel Member
Work-Product	Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 20 Jun 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Clarifying Guidance), dated 26 Nov 24.
- Exhibit D: Applicant’s Response, w/atchs, dated 2 Jan 25.
- Exhibit E: Advisory Opinion, AFPC/DPMSSM, dated 30 Jan 25.
- Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 3 Feb 25.
- Exhibit G: Applicant’s Response, w/atchs, dated 11 Feb 25.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

11/12/2025

Work-Product

Board Operations Manager, AFBCMR
Signed by: USAF