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**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-03224

COUNSEL: [REDACTED]

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. His general (under honorable conditions) discharge be upgraded to honorable.
2. His narrative reason be changed to "Secretarial Authority."
3. His reenlistment eligibility (RE) code be changed to allow him to reenlist.

APPLICANT'S CONTENTIONS

His character of service and RE code were inequitable, as they did not consider or failed to consider his character of service prior to his alleged misconduct. Although his actions which led to his discharge were found to be in violation of civilian law, the offense should not be enough to prevent him from obtaining an honorable discharge. Prior to this incident, he served honorably for more than three years and during that time he received several awards and accolades. He was not given a proper opportunity to mitigate or correct his mistakes/behavior and instead was administratively separated. He wants to continue his career in the armed forces to further his life goals and knowledge, as well as honorably serve his country. He has been subject to the effects of the general discharge for nearly fifteen years for his single misdeed and has never been provided a second chance in accordance with the language of the Wilkie memo.

In support of his request for a discharge upgrade, the applicant provides a personal statement, numerous post service achievements, Graduate School transcript and his Post-Graduate Professional License, numerous letters of recommendation and various other documents related to his request for upgrade.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force Air National Guard (ANG) senior airman (E-4).

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On 7 Feb 04, DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, indicates the applicant enlisted in the ANG for six years.

On 30 Mar 07, NGB Form 22, *National Guard Bureau Report of Separation and Record of Service*, indicates the applicant received a general (under honorable conditions) discharge under the authority of AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve*. His narrative reason for separation is “Commission of Serious Offense” and his reenlistment eligibility is “Ineligible.”

On 13 Nov 20, the applicant submitted a request to the Air Force Discharge Review Board (AFDRB) for an upgrade to his discharge, change in narrative reason, and change in RE code.

On 16 Feb 21, the AFDRB found insufficient evidence of an inequity or impropriety that would warrant a change to the applicant’s discharge.

On 2 Mar 01, the applicant submitted an appeal to appear in person to request reconsideration of the AFDRB decision for an upgrade to his discharge, change in narrative reason, and change in RE code.

On 5 Aug 21, the applicant appeared before the AFDRB via Zoom and on 5 Aug 21 again denied the applicant’s request finding insufficient evidence of an inequity or impropriety that would warrant a change to the applicant’s discharge and the discharge was deemed appropriate. The Board recommended the applicant exercise his right to directly appeal the DRB’s decision to the Air Force Board for Correction of Military Records (AFBCMR) by requesting a discharge upgrade based on post-service activities and accomplishments.

For more information, see the excerpt of the applicant’s record at Exhibit B.

POST-SERVICE INFORMATION

On 10 Feb 22, the Board sent counsel a request for post-service information and advised the applicant he was required to provide a Federal Bureau of Investigation (FBI) Identity History Summary Check, which would indicate whether or not he 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). Counsel replied on 1 Sep 22 and provided an FBI report. According to the report on 23 Aug 06, during service, the applicant was arrested and charged with a felony third degree battery and on 30 Oct 07 the applicant was convicted of a misdemeanor first degree assault, resulting from the 23 Aug 06 arrest and charge. In addition, the report indicates the applicant had prior service criminal history.

The applicant’s complete FBI Report is at Exhibit D.

APPLICABLE AUTHORITY/GUIDANCE

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On 25 Jul 18, the Under Secretary of Defense issued supplemental guidance 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 the supplemental guidance, paragraphs 6 and 7.

On 10 Feb 22, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit C).

AFI 36-3208, *Administrative Separation of Airmen*, describes the types of service characterization:

Honorable. The quality of the airman's service generally has met 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.

Under Honorable Conditions (General). 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 airman's military record.

FINDINGS AND CONCLUSION

1. The application was timely filed. It would be illogical to deny a discharge upgrade application as untimely, since the Board typically looks for over 15 years of good conduct post-service. Therefore, the Board declines to assert the three-year limitation period established by 10 U.S.C. § 1552(b).
2. The applicant exhausted all available non-judicial relief 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 Wilke Memo to determine whether to grant relief based on an injustice or fundamental fairness. In particular, the applicant has accepted responsibility for his actions showing remorse. He has become a valued member of his community as an educator and has had no arrests since his discharge. He also has a strong desire to serve in the military. His character reference letters attest to his leadership skills and his commitment to the education of youth and his continued education

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and academic achievements show his successful transition post-service. 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 30 March 2007, he was discharged with service characterized as honorable, a separation code and corresponding narrative reason for separation of JFF (Secretarial Authority), and a reenlistment eligibility (RE) code of "6B" (Eligible to Reenlist - Member Elected Separation or Discharge).

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-2021-03224 in Executive Session on 18 May 23:

- [REDACTED], Panel Chair
- [REDACTED], Panel Member
- [REDACTED], Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 23 Aug 21.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Clemency Guidance), dated 10 Feb 22.
- Exhibit D: FBI Report, dated, 1 Sep 22.

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.

8/28/2025

X [REDACTED]

[REDACTED]
Associate Director, AFBCMR
Signed by: USAF