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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2025-00227

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His reason for separation be changed so he may be eligible to reenlist in the armed forces or apply for a job in corrections.

APPLICANT'S CONTENTIONS

He requests a change to his separation reason since the Sexual Assault Response Coordinator (SARC) investigation did not find him guilty and no criminal actions were taken. Everyone should be given a second chance. He wanted a career in the armed forces. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, makes it impossible for him to enlist in the armed forces or apply for a job in corrections.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

The applicant enlisted in the Regular Air Force on 16 Aug 16.

On 11 May 17, the applicant's commander issued him a letter of reprimand (LOR). An investigation disclosed between Oct 16 and Nov 16, he committed abusive sexual contact on Airman (E-2) IA. In late Oct 16, he grabbed [REDACTED] by her holster, hugged her, placed his hand on her buttocks and stated he wanted to kiss her, she looked good and for her to give him a hug. Second, in late Oct 16, he grabbed [REDACTED] by her rucksack and again forced her to hug him. Third, on 15 Nov 16, he hugged and kissed her on the forehead after she told him she did not want a hug from him. In addition, to the unwanted physical interactions, it was reported he made inappropriate sexual statements to her via texts and in-person.

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In a response to the LOR dated 16 May 17, the applicant stated he did send text messages to [REDACTED] that were out of line and against core values. It was a poor decision on his behalf and disrespectful. However, he did not grab her and never forced her to give him a hug. He asked her one time for a hug and she said it was okay. At no time, did he ever place his hand anywhere near her buttocks. They were great friends before everything took place and he was extremely sorry for messing up the bond he had with his teammate.

On 7 Aug 17, the applicant's commander notified the applicant she was recommending he be discharged for sexual assault in accordance with AFI 36-3208, *Administrative Separation of Airmen*. Specifically, between 1 Oct 16 and 15 Nov 16, he committed abusive sexual contact on [REDACTED].

In a response to the discharge action dated 10 Aug 17, the applicant acknowledged he was being discharged because of the sexual assault allegation. Throughout the process, he was viewed as a sexual predator and characterized as disrespectful towards women. He never put his hands on any female and at no time did he ever put his hands on her buttocks. He understands he should not have texted her the things he did. He can only learn from his behavior and vows to never repeat the same mistake. He was an airman leader and many people did not like him. There was a plot against him to get him off their team. He was willing to do anything needed to stay in the Air Force and he was truly sorry.

On 10 Aug 17, the Air Force Office of Special Investigations (AFOSI) opened an investigation into the applicant concerning allegations he sexually assaulted SF, an E-3, along with other alleged offenses arising from or relating to the same incident. The Report of Investigation (ROI), dated 6 Feb 18, shows an investigation was initiated on 30 Aug 17 based on information from the victim that on 23 Nov 16 she had been sexually assaulted by the applicant in another airman's dormitory room. A law enforcement records search disclosed AFOSI had opened an investigation in Feb 17 concerning abusive sexual contact by the applicant. Several female trainees accused the applicant of inappropriate touching on different occasions during technical training. The case remained active during the course of the investigation. On 6 Feb 18, the applicant's wing commander (WG/CC) determined he would not initiate court-martial proceedings. The Report of Action, dated 31 Jul 18, reflects his commander issued the applicant an LOR and initiated administrative discharge actions.

On 29 Aug 17, the assistant staff judge advocate found the discharge action legally sufficient.

On 19 Feb 18, the discharge authority approved the discharge and directed the applicant to be discharged with a general discharge.

On 23 Feb 18, the applicant was discharged with a general (under honorable conditions) discharge with a separation code and corresponding narrative reason for separation of JKQ, *Misconduct (Serious Offense)*, and a reentry (RE) code 2B, *Separated with a general or under other than honorable conditions discharge*. He was credited with 1 year, 6 months and 8 days of active duty service.

On 13 Jun 19, the Air Force Discharge Review Board (AFDRB) denied the applicant's request for upgrade of his discharge and change of his narrative reason for separation. The applicant made no contentions that the discharge was inequitable or improper. The applicant believed he deserved a second chance despite his misconduct in order to have the opportunity to serve as a police officer. The AFDRB found the seriousness of the applicant's willful misconduct offset the positive aspects of his service. The AFDRB found insufficient evidence of an inequity or impropriety that would warrant a change to the applicant's discharge. Therefore, the discharge received by the applicant was deemed to be appropriate and his request was not approved. On 12 Aug 25, the AFDRB concluded the applicant's case was not eligible for automatic reconsideration by the AFDRB under the terms of the Settlement Agreement in *Johnson v Kendall*.

The applicant provides a letter from the AFOSI Criminal Justice Information Cell dated 18 Aug 22, which denied his request for expungement of his criminal history record. In accordance with DoDI 5505.11, *Fingerprint Card and Final Disposition Report Submission Requirements*, he was properly indexed in the Defense Central Index of Investigations (DCII) based on the two 2017 investigations. There was credible evidence for the indexing per DoD 5505.07, *Titling and Indexing in Criminal Investigations*. It was noted that titling or indexing did not mean he was guilty or innocent of any charges but that he was investigated for a particular reason. Because he was the subject of a criminal investigation and there was credible information he was involved in a criminal offense, the DCII records would remain.

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

APPLICABLE AUTHORITY/GUIDANCE

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.

FINDINGS AND CONCLUSION

1. The application was timely filed.
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 not the victim of an error or injustice. The applicant contends he was not found guilty of any criminal actions and requests his

separation reason be changed so he may reenlist in the armed forces. However, the Board finds no evidence of an error or injustice in the applicant's discharge. The Board finds ample evidence the applicant committed abusive sexual contact and sexual assault/harassment. While the applicant may not have been criminally charged, the Board finds the applicant's discharge, to include his separation reason, was within his commander's authority and discretion and was not unduly harsh or disproportionate for the offenses committed. While the applicant believes he should be afforded a second chance, the Board finds the applicant's serious and egregious misconduct cannot be excused at this time to warrant changing his separation reason so he may reenlist in the armed forces. Therefore, the Board recommends against correcting the applicant's records.

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 Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

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-2025-00227 in Executive Session on 15 Aug 25:

Work-Product, Panel Chair

Work-Product, Panel Member

Work-Product, Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 16 Jan 25.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: AFOSI ROI, 6 Feb 18. (WITHDRAWN).

Exhibit D: AFDRB, FD-2019-00231, dated 13 Jun 19.

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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.

9/10/2025

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Board Operations Manager, AFBCMR
Signed by: USAF

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