|  |  |
| --- | --- |
| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2019-00212 |
| GENERAL: The applicant was discharged on 9 Mar 17 in accordance with AFI 36-3208 with a General discharge for Misconduct (Minor Infractions). The applicant appealed for an upgrade of his discharge characterization to Honorable. The board was conducted on 10 Sep 19.  The applicant was offered a personal appearance before the Discharge Review Board (DRB), but declined and requested the board be completed based on a records only review. The applicant was not represented by counsel.  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.    FINDING: The DRB voted unanimously to deny the applicant’s request to upgrade his discharge characterization to Honorable.  DISCUSSION: The 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 two Letters of Reprimand, and one Letter of Counseling. His misconduct included: apprehended by civilian police for presenting a false identification; consumed alcohol while under the legal age of 21; violated training group call to quarters; and failure to obey a lawful order.  The applicant contended the discharge was inequitable because he honorably served over 92% of his enlistment, and it was too harsh compared to indiscretions by other service members. The applicant states that he was promised an Honorable discharge by his base commander, but after working at various locations on base the discharge was changed to a General. The applicant insists that he was told by his leadership that the discharge would be upgraded to Honorable six months after the discharge. The applicant provided the response from the Area Defense Counsel that described why the General characterization was inappropriate and why an Honorable separation was warranted.  The applicant was miscounseled if he was told that an upgrade would be upgraded six months after discharge. A discharge is upgraded only if it is established that an inequity or impropriety took place at the time of discharge. Upon review of the applicant’s service record, the board was not able to find any documentation regarding the discharge. Since the board relies on the presumption of regularity, it concluded the discharge received by the applicant was appropriate.  CONCLUSION: The board 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.  The DRB results were approved by the board president on 20 Sep 19. 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  1500 West Perimeter road, Suite 3700  Joint Base Andrews, NAF Washington, MD 20762-6602  Attachment: Examiner's Brief | |