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|  **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT**  | CASE NUMBER FD-2019-00403 |
|  GENERAL: The applicant was discharged on 5 Apr 2011 in accordance with AFI 36-3209, *Separation and Retirement Procedures for ANG and AFRC Members,* with a General discharge for Substandard/Unsatisfactory Performance. The applicant appealed for an upgrade of his discharge characterization to Honorable, a change to the discharge narrative reason, and a change to the reenlistment eligibility code. The board was conducted on 10 Dec 2019. The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Joint Base Andrews, MD, on 10 Dec 2019. No witnesses were present or testified on the applicant’s behalf. The following additional exhibits were submitted at the hearing: Affidavit from Mr. Daniel Oalmann and a Legal Memorandum, dated 27 Aug 2019, from the applicant’s 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 *approve* the applicant’s request to upgrade his discharge characterization to Honorable, to change the discharge narrative reason to Secretarial Authority, and to change the reenlistment eligibility code to 6J.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 contended his discharge was improper because he was discharged for failure to progress in training and the unit failed to provide any on-the-job training or formally counsel him concerning his deficiencies, as required by AFI 36-3209, paragraph 3.18. Furthermore, the applicant contended, if the discharge was found legally permissible, his service should have been characterized as honorable. AFI 36-3209, paragraph 3.18 specifically states discharge processing may not be initiated until the member has been counseled formally concerning deficiencies and been afforded the opportunity to overcome those deficiencies. The DRB found the applicant had not been counseled prior to discharge initiation, and the unit mismanaged the applicant’s Career Development Course (CDC) enrollment, and therefore, the discharge was improper. The DRB came to this determination after considering the errors on the discharge notification (citing the incorrect paragraph as the basis and incorrectly citing the service characterization options), as well as the lack of evidence provided on the notification and attached to the notification, as well as the credible evidence the applicant provided of his experience in the unit, the reasoning for his response to the CDC failures and subsequent discharge, as well as the corroborating evidence of the unit’s mismanagement provided by the applicant. The DRB opined had the applicant been given proper training, formally counseled on the CDC deficiencies, and provided adequate supervision and mentoring, he likely would have passed his CDC exam and been a quality asset to his unit and the Air Force.Furthermore, AFI 36-3209, paragraph 3.18 states service will be characterized as Honorable for those discharged pursuant to this paragraph unless the military record warrants characterization as Under Honorable Conditions (General). The DRB found that it was not only improper but inequitable that the applicant had been given a General service characterization. The DRB had no evidence of misconduct or discipline issues associated with the applicant’s discharge. The applicant presented credible testimony that he did not have any misconduct or a disciplinary background. The DRB evaluated the lack of evidence provided in the notification of discharge to support a General service characterization, and the applicant’s honorable service in the Marine Corps Reserves. The DRB concluded that not only did the unit improperly follow the guidance on service characterization in AFI 36-3209, but that current policies and procedures would have resulted in an Honorable service characterization if the sole basis for discharge were failures on CDCs. Lastly, the DRB considered the applicant’s prior service history, combat service, and outstanding prior service conduct. Therefore, the DRB determined the characterization was inequitable.CONCLUSION: The DRB concluded sufficient evidence existed to convince the board the discharge was both improper and inequitable, the discharge was inconsistent with the procedural and substantive requirements of AFI 36-3209, and the applicant was not provided full administrative due process. Therefore, the board determined the overall characterization of the applicant’s service was more accurately reflected by an Honorable discharge and the discharge narrative reason was more accurately described as “Secretarial Authority.” Additionally, the reenlistment eligibility code was changed to 6J. The DRB results were approved by the board president on 16 Dec 2019. If desired, the applicant can request a list of the board members and their votes by writing to: Air Force Review Boards AgencyAttn: Discharge Review Board3351 Celmer LaneJoint Base Andrews, MD 20762-6602 Attachment:Examiner's Brief |