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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2019-00509 |
| GENERAL: The applicant was discharged on 31 Aug 2017 in accordance with AFI 36-3208 with a(n) General discharge for Misconduct (Minor Infractions). 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 29 Oct 2019.  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 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, to change the discharge narrative reason to *Secretarial Authority* and to change the reenlistment eligibility code 3K. The board does not have the scope to change reenlistment codes in the “1” series.  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 several Article 15’s and a vacation of suspended nonjudicial punishment. His misconduct included: disobeying no contact order, repeated violation of no contact order and failure to be at appointed place of duty.  The applicant and counsel contends that the discharge was inequitable/improper. Applicant’s counsel contends that the discharge was inequitable because the applicant was disciplined and essentially separated based upon little more than the jealous musings of an insecure spouse. His discharge was improper because there was an error in discretion and it was clearly prejudicial. They further contend that the command had no physical evidence or other eyewitness to support the allegation. No formal investigation was ever conducted and it was simply assumed that the applicant was at fault. The applicant was willing to accept punishment that was dealt to him so that he could put the incident behind him. When he discovered the he was pending separation the applicant became despondence and sought out the person under protection of the no contact order in hopes to have her explain to his leadership that nothing nefarious occurred. Unfortunately, this event caused a notification to the Commander which led to further credibility issues and a poor choice on the applicant’s part. They also noted that the applicant’s record of service was exemplary and had no other negative actions taken against him. Since his discharge he’s been working on furthering his education and would like the opportunity to serve in the military again.  The board took note of the applicant's duty performance as documented by his performance reports, awards and decorations, and other accomplishments. The DRB determined that, through the administrative actions taken by the chain of command in this case, the applicant had ample opportunities to change his negative behavior. It found the seriousness of the applicant’s willful misconduct offset the positive aspects of his service.  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.  If the applicant can provide additional information to substantiate his contentions, the board recommends he exercise the right to make a personal appearance before the DRB or appeal the DRB’s decision to the Air Force Board for Correction of Military Records.  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 14 Apr 20. 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  3351 Celmers Lane  Joint Base Andrews, NAF Washington, MD 20762-6602  Attachment: Examiner's Brief (Applicant Only) | |