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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2019-00579 |
| The applicant was discharged on 1 Dec 2017 with a Bad Conduct Discharge after being convicted of multiple offenses during a Special Court-Martial. The applicant appealed for an upgrade of his discharge characterization to Honorable or General. The board was conducted on 14 Jan 2020.  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 or General.  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 was convicted at a special court-martial of one charge and specification of absent without leave; one charge and specification of dereliction of duty for having an unprofessional relationship with a student; and one charge and specification of giving a false official statement. He was sentenced to reduction to E-1, forfeitures of $1,000 for two months, two months confinement, and a bad conduct discharge.  The applicant contended the discharge was inequitable because it was too harsh based on the offenses he was charged with. Upon review of an applicant’s Bad Conduct Discharge as adjudged by a Special Court-Martial, the DRB may change the punitive discharge to an administrative discharge for the purposes of clemency, if warranted. The DRB reviewed the applicant’s entire service record and found insufficient evidence to grant the applicant’s request. The board found the negative aspects of the applicant’s willful misconduct outweighed the positive aspects of his military service. Therefore, the characterization of the discharge received by the applicant was deemed to be appropriate.    CONCLUSION: The DRB concluded the applicant’s punitive discharge by a Special Court-Martial was appropriate based on the facts and circumstances of the case and there was no sufficient basis, as an act of clemency, to change the discharge.  The DRB results were approved by the board president on 10 Feb 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) | |