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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2020-00339 |
| GENERAL: The applicant was discharged on 16 Jan 18 in accordance with AFI 36-3208 with an Under Other Than Honorable Conditions discharge for In Lieu of Trial by Court Martial. The applicant appealed for an upgrade of his discharge characterization to Honorable. The board was conducted on 11 Jun 20.  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 a charge with two specifications of Abusive Sexual Contact against another Airman.  The applicant contended the discharge was improper because it was based on a fabricated story. He believes that he was the scapegoat in the situation, because the individual that initiated the investigation and the individual that made the accusation had a relationship. The applicant states that he made the decision to separate instead of going through with the court martial because he believed it was the best option. He believes that even if the court martial cleared his name, there was too much damage done to his reputation. He is requesting the upgrade in order to be eligible for better employment and to move on.  The DRB reviewed the applicant’s entire record and found the applicant submitted a request for discharge in lieu of trial, and was approved. The board concluded the applicant’s misconduct was a significant departure from the conduct expected of all military members, and found no evidence to justify making any changes to the discharge.  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 16 Jun 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) | |