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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2020-00383 |
| GENERAL: The applicant was discharged on 12 Nov 2015 in accordance with AFI 36-3208 with a(n) 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, a change to the discharge narrative reason, and a change to the separation designation code. The board was conducted on 16 Jul 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 represented by counsel.  Pursuant to 10 USC §1553, the board included a member who is a psychiatrist/ psychologist with training on mental health issues connected with post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI), and training on mental health disorders.  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, and to change the reenlistment eligibility code.  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.  Due to evidence of post-traumatic stress disorder (PTSD) / a mental health condition/s found in the applicant’s medical record, the board considered the case based on the liberal consideration standards required by guidance from the Office of the Under Secretary of Defense for Personnel and Readiness and/or 10 USC §1553.  The applicant contended the discharge was inequitable and improper because the chain of command made a material error of discretion by moving forward with court-marital proceedings based on unreliable testimony from a minor. The character and integrity of the alleged victim is in juxtaposition of the established high character of the applicant based on his EPRs and numerous character references. He has been unjustly prejudiced and stigmatized and his good name and character tarnished. His council pushed him to take the deal and he was looking at a Bad Conduct discharge, jail time, and registration as a sex offender if he fought and lost at court-martial.  The DRB took note of the applicant's duty performance as documented by his performance reports, awards and decorations, and other accomplishments. It found the seriousness of the applicant’s willful misconduct offset the positive aspects of his service.  After a thorough review of the service record and inputs from the board’s psychiatrist/ psychologist, the DRB found no conclusive indication that any mental health issues had a direct impact on the applicant's misconduct or 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 20 Jul 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) | |