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|  **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT**  | CASE NUMBER FD-2020-00500 |
|  GENERAL: The applicant was discharged on 04 May 2020 in accordance with AFI 36-3208 with a(n) General discharge for Misconduct (Minor Infractions). The applicant appealed for an upgrade of her discharge characterization to Honorable. The board was conducted on 20 Aug 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 2 to 1 to *deny* the applicant’s request to upgrade her discharge characterization to Honorable, to change the discharge narrative reason to *Secretarial Authority* and to change the reenlistment eligibility code to 2C.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 an Article 15 and a vacation of suspended nonjudicial punishment. Her misconduct included: derelict in performance/willfully failed to refrain from consuming alcohol while underage/violating no contact order; unlawfully strike an individual.The applicant contended the discharge was inequitable due to being the only person to receive separation as punishment for things that were not based on facts/real evidence. She states that she sent photos of her swollen neck to her Shirt as evidence from an assault and that it was overlooked. She did contend that she was assaulted by two males and had reported it to her MTL via text as well, but resulted in her disciplinary action and initiation of a no-contact order between one of the individuals. In regards to her underage drinking, she states that she requested for a breathalyzer but did not get one until hours later. When she requested for a blood test, that was denied and she was claimed to be guilty of being intoxicated. She states that she had no idea that her and the other person on the no-contact order was in the same location until after she saw him leave because he was in a fight. She did decide to stay in the vicinity since she was being a wingman for a fellow classmate and did not see the need to leave since the other individual had departed the location. She feels that she was arrested for suspicion of underage drinking because the officer that questioned her recognized her from the assault incident. She also notes that feels that she received a harsher punishment due to her race and the others involved did not. She is also requesting for the upgrade to utilize her GI bill and to have the same chance that her fellow airmen were granted.The DRB reviewed the applicant’s entire service record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge. The board understood the applicant’s present service characterization renders her ineligible for Department of Veteran Affairs education benefits. However, this is not a matter of inequity or impropriety which would warrant an upgrade. The DRB determined that, through the administrative actions taken by the chain of command in this case, the applicant had ample opportunities to change her negative behavior. The board concluded the negative aspects of the applicant’s service outweighed the positive contributions she made during her Air Force career. If the applicant can provide additional information to substantiate her contentions, the board recommends she 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 her request was not approved. The DRB results were approved by the board president on 8 Sep 20. 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 Celmers LaneJoint Base Andrews, NAF Washington, MD 20762-6602 Attachment:Examiner's Brief (Applicant Only) |