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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2020-00569 |
| The applicant was discharged on 26 Feb 16 in accordance with AFI 36-3208 with an Entry Level/Uncharacterized discharge for Entry Level Performance and Conduct. The applicant appealed for an upgrade of his discharge narrative reason, and a change to the reenlistment eligibility code. The board was conducted on 15 Oct 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, to change the discharge narrative reason to Secretarial Authority, and to change the reenlistment eligibility code to 3K.  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 Letter of Counselling. His misconduct included: willfully failed to refrain from using a GOV for personal purpose; failed to refrain from communicating and passing notes to a basic trainee; wrongfully engaged in inappropriate and unprofessional behavior while on duty; with the intent to deceive a SNCO, made a false official statement; on diverse occasions wrongfully had sexual intercourse with an airman not members spouse; did not show to mandatory dental appointment.  The applicant made no contentions that the discharge was inequitable/improper. The member States he is an honest stellar soldier. The applicant believed he deserved a second chance despite his misconduct in order to have the opportunity to serve in the military again.  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. The DRB reviewed the applicant’s entire service record and found insufficient evidence to grant the applicant’s request. It found the seriousness of the applicant’s willful misconduct offset the positive aspects of his service.  In accordance with AFI 36-3208, Airmen are in entry level status during the first 180 days of continuous active military service. If separated during this time, they normally receive an Entry Level Separation that is not characterized. Because it is Air Force policy to not characterize this type of separation, the applicant’s request to “upgrade” it to Honorable could not be approved.  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.    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 directly 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 15 Oct 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) | |