|  |  |
| --- | --- |
| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2020-00587 |
| The applicant was discharged on 20 Dec 2011 in accordance with AFI 36-3208 with a General discharge for Misconduct (Serious Offense). The applicant appealed for an upgrade of his discharge characterization to Honorable. The board was conducted on 25 Aug 2020.  The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, via video teleconference using VIDYO Cloud Connect between Joint Base Andrews, MD, and applicant’s and counsel’s location on 25 Aug 2020. No witnesses were present and testified on the applicant’s behalf.  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 military record included an Article 15 for a physical assault upon his spouse. Through counsel, the applicant contended the discharge was inequitable because it was based solely on an isolated incident of misconduct and that his service record prior to was impeccable, and that his honorable performance outweighs the misconduct for which he received Article 15 punishment. Furthermore, the applicant contends his actions in this isolated incident do not rise to the level of being separated or receiving the service characterization he received. Finally, the applicant contends his spouse had a history of being the instigator in their relationship, had a history of being dishonest, and her lack of credibility should have been taken into consideration.  The Board concluded the offenses committed by the member brought discredit to the Air Force and when weighed against the overall record of performance, warrant the characterization of discharge received. Additionally, this misconduct could have been triable by court-martial and subject to a punitive discharge. Misconduct of this serious nature constitutes a significant departure from the conduct expected of Airmen and outweighs his otherwise satisfactory service.  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 8 Sep 2020. 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) | |