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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2020-00618 |
| GENERAL: The applicant was discharged on 13 Nov 18 in accordance with AFI 36-3208 with a General discharge for Misconduct (Minor Infractions). The applicant appealed for an upgrade 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 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, a Letter of Reprimand and a Vacation of Suspended Punishment. His misconduct included: Absent without authority; operated a motor vehicle while under influence of alcohol and involve motor vehicle accident; operated vehicle at a rate of speed of 110 mph in a 60 mph zone  The applicant contended the discharge was improper. He states that he was wrongfully arrested at a bar. Incarcerated and charged with multiple infractions. He goes on to state that his command proceeded with NJP regarding the matter prior to his court date. He states, he was reduced in pay grade, restricted to base and temporarily removed from his flight. He was informed that the removal was due to being under investigation and was rest assured that it was only temporary. He states he continued to press forward and volunteer for every opportunity. The member states that then his command used the incident and a speeding ticket as justification to remove him from the career field and vacation of the suspended punishment. He states that at this time, he still had no court date for the incident and had a pending court date for his speeding ticket. The member goes on to say that in both incidents, he was punished by command before the question of guilt was adequately determined by due process. He states that both cases were beat by submitting to pre-trial interventions and ended with a clean record as no charges were processed against him. He states that since his separations, he has had time to look back and see what an incredible opportunity he has squandered and that he has tried multiple times in the past year and a half to rejoin the military. He says his family has a history of service and despite his actions, he truly understands what an honor it is to serve. The member states that he is willing to do whatever it takes to have the opportunity to rejoin the service.  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. The board found the negative aspects of the applicant’s willful misconduct outweighed the positive aspects of his military 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.  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) | |