

SUMMARY: The Applicant was discharged on 02 February 2018 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Honorable discharge for Fraudulent Entry. The Applicant appealed for a change to the discharge narrative reason.

The Applicant requested the Board be completed based on a record only review. The Board was conducted on 12 September 2024. 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.

DISCUSSION: The Discharge Review Board (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 reenry 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 documentary evidence the Board considered as part of the review includes, but is not limited to the DD Form 293, *Application for the Review of Discharge from the Armed Forces of the United States*, and any additional documentation submitted by applicant and/or counsel; the Applicant's personnel file from the Automated Records Management System (ARMS); and the DRB Brief detailing the Applicant's service information and a summary of the case.

The Applicant requested an appeal to their narrative reason for discharge to be changed from fraudulent entry to hardship. They stated their reason for discharge met the criteria for hardship rather than fraudulent entry. The Applicant stated they did not identify having a dependent during their enlistment to the Air Force due to having questions regarding the child being biologically theirs. The Applicant stated as time proceeded the child's physical features began to resemble theirs and they took ownership and accountability as the parent and enrolled the child in Defense Enrollment Eligibility Reporting System (DEERS) after arriving to their first duty station. The Applicant stated they frequently confided in peers and leadership about the emotional challenges of being separated from their child, which affected their mental health and job performance. The Applicant stated they reported experiencing insomnia, arriving late to duty, conflicts with leadership, and contemplated suicide. After seeking assistance from their First Sergeant, the Applicant stated they were faced with a fraudulent enlistment charge and were threatened with a court-martial if they did not cooperate. The Applicant submitted multiple DD Form 370s to the board, which were obtained during their commissioning process in the Navy, that spoke to the Applicant's leadership skills and work ethic in a positive manner. In addition, the Applicant provided a copy of their master's degree diploma from Arizona State University as evidence to support an upgrade.

The DRB determined there was no evidence, based on the available records to support the Applicant's request to change their narrative reason to hardship. The Applicant did not provide any evidence of a hardship as outlined in DAFI 36-3211, paragraphs 5.16 – 5.16.2.3. The DRB is not an investigative body and presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to overcome this presumption. The presumption of regularity dictates that, absent evidence to the contrary, commanders, supervisors, and other officials involved with an action acted fairly and in good faith. The Applicant bears the burden of providing evidence to overcome this presumption, and the board will only grant relief if it determines there is sufficient evidence to conclude the Applicant's discharge was not proper

or equitable. Given the reliance on the presumption of regularity, the Board determined that the applicant's discharge was appropriate.

Additionally, the Board considered the factors laid out in the attachment to the Under Secretary of Defense memorandum, *Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations*, dated 25 June 2018, known as the "Wilkie Memo." The Board considered the factors listed in paragraphs (6)(a)-(6)(l) and (7)(a)-(7)(r) of this memorandum and found no evidence of inequity or impropriety.

FINDING: The DRB voted unanimously to *deny* the Applicant's request to upgrade their discharge characterization, to change the discharge narrative reason, and to change the reentry code.

Should the Applicant wish to appeal this decision, the Applicant must request a personal appearance before this Board before applying for relief to the Air Force Board for Correction of Military Records (AFBCMR). In accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*, all applicants before the AFBCMR must first exhaust available administrative avenues of relief before applying to the AFBCMR, otherwise their AFBCMR case will be administratively closed until such time that the Applicant avails themselves of the available avenue of relief. Therefore, should the Applicant wish to appeal this decision, they must first exercise their right to make a personal appearance before the AFDRB.

CONCLUSION: After a thorough review of the available evidence, to include the Applicant's issues, summary of service, service/medical record entries, and discharge process, the Board found the discharge was proper and equitable. Therefore, the awarded characterization of service shall remain "Honorable," the narrative reason for separation shall remain "Fraudulent Entry," and the reentry code shall remain "2K." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 13 September 2024. 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

Instructions on how to appeal an AFDRB decision can be found at <https://afrbportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)