

SUMMARY: The Applicant was discharged on 20 May 2020 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a Under Honorable Conditions - (General) discharge for Misconduct (Serious Offense). The Applicant appealed for a change to the reentry code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 07 November 2024. The Applicant was 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 reentry 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 the following documented misconduct leading up to their discharge: an Article 15 for underage drinking and assaulting a military police officer.

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 asserted that the misconduct was an isolated incident and submitted documentation to support this claim. They requested clemency from the Board, emphasizing that they had taken every possible step to demonstrate their commitment and earn a second chance to serve in the armed forces. Since discharge, the Applicant stated that they had undergone counseling, including substance abuse and mental health evaluations, to ensure they were fit for duty. They also dedicated time to community service, assisting local veterans, joining the Honor Guard, and pursuing education.

The Applicant completed both an associate and bachelor's degree, participating in the ROTC program where they served on the mentor team, recruitment team, and drill corps. Additionally, they joined the NASA Rover team, which led to a NASA internship through the Nassau Community College aerospace scholarship. They reported completing various certifications and dedicating over 700 hours to community service to improve themselves and enhance their value to the U.S. Air Force. They are studying law at the University of Louisiana Law School, aiming to become a JAG officer upon graduation in August 2025.

The DRB concluded that the Applicant's misconduct—specifically underage drinking and assaulting a military police officer—was a serious breach of conduct. Although this may have been an isolated incident, assaulting law enforcement is regarded as a grave offense in the military. Additionally, the Applicant's reported use of racial language, whether as a slur or in a "pop culture" context, raised significant concerns for the Board, as such behavior conflicts with the military's values of impartiality and professionalism, particularly for roles demanding high ethical standards, like that of a JAG officer.

While the Applicant demonstrated notable efforts in rehabilitation, education, and community service, the Board felt that the time since the incident was insufficient to fully evaluate the Applicant's term growth and character development. Despite the Applicant's post-service accomplishments and commitment to improvement, the Board ultimately determined that these positive steps did not offset the gravity of the initial misconduct or the additional concerns regarding character and integrity. Therefore, the Board has determined that the Applicant's discharge status should remain as it currently stands.

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 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 "Under Honorable Conditions - (General)," the narrative reason for separation shall remain "Misconduct (Serious Offense)," and the reentry code shall remain "2B." The DRB results were approved by the Presiding Officer on 15 November 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://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)