

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

FD-2023-00015

SUMMARY:

The applicant was discharged on 29 December 2021 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airman* with an Under Other Than Honorable Conditions Discharge for Misconduct (Civil Conviction). The applicant appealed for an upgrade of his discharge characterization.

The applicant was not represented by counsel.

The applicant requested the board be completed based on a records only review. The Board was conducted on 27 April 2023.

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 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 a Letter of Reprimand. His misconduct included: Convicted of violating California Penal Code section 550(a)(1); provided false information on security clearance application (SF86); made a false statement to FAA employee to the effect that he previously submitted a signed settlement agreement for purposes of obtaining a reduced civil penalty; submitted a falsified email to an FAA employee for purposes of obtaining a reduced civil penalty; submitted a falsified settlement agreement to an FAA employee for purposes of obtaining a reduced civil penalty; knowingly possessed a stolen vehicle; violated the terms of probation by leaving the county without authorization from probation officer (x2).

The documentary evidence the Board considered as part of the review included: the DD form 293, *Application for the Review of Discharge from the Armed Forces of the United States*; The applicant's personnel file from the *Automated Records Management System (ARMS)*; the DRB Brief; and a personal statement provided by the applicant.

The applicant contended that the discharge was inequitable because the character does not reflect his service. Additionally, he felt that because he only received an LOR for the misconduct, it was not serious enough to warrant this Character and had it been, he would have faced court martial or non-judicial punishment.

The DRB reviewed the applicant's entire service record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge. Although the applicant stated that he did not feel that the punishment he received warranted the service characterization, the nature of the disciplinary consequences the applicant received do not dictate the characterization of service the applicant received. The applicant's misconduct was a significant departure from the conduct expected of all military members; therefore, the character was appropriate.

FINDING: The DRB voted unanimously to *deny* the applicant's request to upgrade his discharge characterization, to change the discharge narrative reason, and to change the reenlistment eligibility code. 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.

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 Other Than Honorable Conditions," the narrative reason for separation shall remain "Misconduct (Civil Conviction)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the board president on 11 May 2023. 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)