

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

FD-2023-00061

SUMMARY: The applicant was discharged on 24 March 2008 in accordance with Air Force Instruction 36-3207, *Separating Commissioned Officer* with a Under Other Than Honorable Conditions (UOTHC) Discharge for Misconduct (Serious Offense). The applicant appealed for an upgrade of her discharge characterization and a change to the narrative reason.

The applicant was represented by counsel.

The applicant requested the board be completed based on a records only review. The Board was conducted on 25 May 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 an Article 15, a Letter of Admonishment, and a Letter of Counseling. Her misconduct included: Failed to obey a lawful general order by wrongfully engaging in sexual relations with an enlisted person; on divers occasions, knowingly fraternize with an enlisted person, by wrongfully sending inappropriate emails, socializing with, and kissing the Airman; in unprofessional relationship with an NCO after previously being counselled for this issue; and engaging in an unprofessional relationship with an NCO.

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 through counsel contended that the discharge was improper, as a discretionary error was made when discharging her with a UOTHC, because of her potential as an Airman and the remorse following her indiscretions. Additionally, they contended inequity because of her quality of service. Specifically, her service history, Awards and Decorations, and letters of commendation. It was concluded that the Board should grant her leniency and upgrade the Character, narrative reason, and reentry code.

The DRB reviewed the applicant's entire service record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge. The Board took note of the applicant's duty performance as documented by her performance reports, awards and decorations, and other accomplishments, but found that the seriousness of her willful repeated misconduct offset the positive aspects of her service.

FINDING: The DRB voted 2 to 1 to *deny* the applicant's request to upgrade her discharge characterization, to change the discharge narrative reason, and to change the reenlistment eligibility 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 Air Force DRB (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 Other Than Honorable Conditions," the narrative reason for separation shall remain "Misconduct (Serious Offense)," and the RE code shall remain "N/A." The AFDRB results were approved by the board president on 21 June 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)