

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

FD-2023-00064

SUMMARY: The applicant was discharged on 30 October 2018 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airman* with an Under Other Than Honorable Conditions Discharge in Lieu of Trial by Court-Martial. The applicant appealed for an upgrade of his discharge characterization and a change to the reenlistment eligibility (RE) code.

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 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 Special Court-Martial Charge sheet and a Letter of Counseling. His misconduct included: Having knowledge of a no contact order, violated said order by writing letters to the person; Unlawfully pushed spouse on or near the shoulder with his hands; Wrongfully endeavored to impede an investigation by instructing spouse to burn letters that were in violation of a no contact order; Wrongfully communicated a threat to "shoot you in the head and kill you" and "I'm going to fucking kill you if you ever step foot in my yard or look at my wife ever again", or words to that effect, while contemporaneously hold a gun; and Failed to arrive to duty on time.

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 contended that the discharge he received seemed harsher than what other branches would have given for similar conduct. He explained that he has matured and learned from his past ignorance. The applicant asked to be upgraded to a General discharge characterization so that he may attempt a waiver for reenlistment.

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 applicant understood that requesting a Chapter 4 in lieu of Court-Martial could result in an Under Other Than Honorable Conditions discharge. The discharge characterization received was deemed appropriate for the misconduct.

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 RE 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 Other Than Honorable Conditions," the narrative reason for separation shall remain "In Lieu of Trial by Court-Martial," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the board president on 05 July 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://afrbportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)