

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

FD-2023-00109

SUMMARY: The applicant was discharged on 04 April 2022 in accordance with Air Force Instruction 36-3207, *Separating Commissioned Officers* with a General Discharge for Unacceptable Conduct. 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 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 Air Force Discharge Review Board (AFDRB), 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. His misconduct included: Between on or about 01 May 19 and on or about 27 Jun 19, wrongfully engaged in extramarital conduct with a person who was not his spouse; between on or about 26 Jun 19 and on or about 27 June, attempt to fraternize with a person who you knew was an enlisted person, by meeting with them to establish a price to perform oral sex on them; and between on or about 26 Jun 19 and on or about 27 June, attempt to wrongfully procure from an enlisted Airman, not his spouse, certain sexual acts, to wit: performing oral sex on the Airman in exchange for money.

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 his two (2) positive rated OPRs and an AFAM were not considered upon the Board of Inquiry's initial determination of separation. He stated that he is not disputing the misconduct but feels that his service including post-Board conduct be taken into consideration. The applicant concluded that his DD214 diminishes his overall accomplishment of 18 year in service.

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 his performance reports, awards and decorations, and other accomplishments. After looking at the totality of the applicant's circumstances, it found the seriousness of the applicant's willful misconduct offset the positive aspects of his service.

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.

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 "General," the narrative reason for separation shall remain "Unacceptable Conduct," and the reentry code shall remain "N/A." The Air Force DRB (AFDRB) results were approved by the board president on 06 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)