

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT**SUMMARY:**

The applicant was discharged on 07 November 2019 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airman*, with a General Discharge for Misconduct (Serious Offense). The applicant appealed for an upgrade of his discharge characterization, a change to the discharge narrative reason, and a change to the reenlistment eligibility code.

The applicant was represented by counsel.

The applicant requested the board be completed based on a records only review. The Board was conducted on 10 August 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 vacation of suspended non-judicial punishment, multiple Letters of Reprimand, and multiple Letters of Counseling. His misconduct included: Failed to verify scheduled maintenance jobs in IMIS; failed to obtain a haircut as directed; Failed fitness test with an overall score of 35; Failed to attend mandatory PT session due to oversleeping; Failed to stop at a red light while driving on base; Failed to report to his assigned place of duty on four separate dates; Made a false official statement to multiple SNCOs, indicating that he brother had died and that he needed to extend his leave, when in fact he was alive; Absent from unit without authority; Driving 80 mph in a 55 mph zone on federal property; Violated a no contact order; Engaged in sexual intercourse with another, without her consent. As he was driving her to her home, he parked the vehicle in a secluded area and repeatedly requested she engage in sexual intercourse. Despite repeated refusals, he pulled down her pants and engaged in non-consensual sexual intercourse; touched another's vaginal area over her clothes while she was initially asleep in his dorm room.

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 inequitable. They indicated that the member has grown, accepted responsibility for his errors and has worked hard to overcome them. They requested an upgrade and asked that he be afforded the opportunity to serve again.

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 was pleased to see the applicant has grown and accepted the responsibility for his actions; however, this is not a matter of inequity or impropriety which would warrant an upgrade.

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 "Misconduct (Serious Offense)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the board president on 25 August 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)