

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

SUMMARY: The applicant was discharged on 6 November 2019 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Misconduct (Minor Infractions). The applicant appealed for a change to his reentry code.

The applicant was not represented by counsel.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using Zoom on 19 September 2023. No witnesses were present to testify on the applicant's behalf.

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 reentry 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 and multiple Letters of Reprimand and Counseling. His misconduct included: failed training exams, failed room inspections, failure to follow orders, and impersonating an Airman leader.

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.

On his application, the applicant contended his leadership failed him and did not uphold the integrity of the Air Force. He claimed several of the incidents that led to his discharge were not his fault and blamed several people in his chain of command. He requested his discharge be changed to an Entry Level Separation (ELS) based on the change to the time period to qualify for an ELS. Furthermore, he requested his RE Code be changed to allow him to reenter the military.

A review of the applicant's records revealed while attending technical training the applicant was issued multiple administrative counselings and was punished under Article 15 for various infractions. An Academic Review Board was conducted, and the Board determined he should not remain in the Air Force due to his own admission of immaturity and no desire to continue serving.

At his hearing the applicant claimed he was not mature enough to join the military, regretted his decisions, and was not proud of his record. He claimed he is now more mature and has been successful since his discharge. He believed he deserved a second chance to join the military, and if allowed back in, he will help other Airmen that were like him to be able to get on the right path and stay in.

In making their decision regarding the applicant's request to change his reentry code, the Board considered the factors laid out in the attachment to the Under Secretary of Defense memorandum, *Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations*, dated 25 June 2018, known as the "Wilkie Memo." The Board considered the factors listed in paragraphs (6)(a)-(6)(l) and (7)(a)-(7)(r) of this memorandum, and concluded it is consistent with military custom and practice to honor sacrifices and achievements, to punish only to the extent necessary, to rehabilitate to the greatest extent possible, and to *favor second chances* in situations in which individuals have paid for their misdeeds. Additionally, relief is generally more appropriate for non-violent offenses than for violent offenses. Furthermore, the Board determined the applicant accepted responsibility for his misconduct, showed significant remorse for his actions, and demonstrated thorough commitment now.

Finally, regarding the applicant's contention that his discharge should be changed to an ELS based on the recent change to the required time period, the Board found this contention without merit as his date of separation was prior to the law changing. Furthermore, there was no evidence in the record, or provided by the applicant, that his unit intentionally held him longer before discharging him so that he would not qualify for an ELS.

FINDING: The DRB voted unanimously to **approve** the applicant's request to change his reentry code.

Should the applicant wish to appeal this decision, the applicant must seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

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 granted relief on the basis of equity and clemency. Therefore, the awarded characterization of service shall remain "General," the narrative reason for separation shall remain "Misconduct (Minor Infractions)," and the reentry code shall change to "3K." The Air Force DRB (AFDRB) results were approved by the board president on 26 September 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)