

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT**

**SUMMARY:**

The applicant was discharged on 23 July 2015 in accordance with Air Force Instruction 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, with a General Discharge for Misconduct (Sexual Perversion). The applicant appealed for an upgrade of his discharge characterization and a change to the discharge 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 19 October 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 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 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, explained that after applying for retirement in 2019 with over 24 years of satisfactory service, he was notified in 2020 that he was not eligible for retirement due to the discharge classification. They indicated that the member was never notified of any change in the discharge classification. Specifically, they claimed that the member was administratively discharged while he was incarcerated, without receiving a letter of notification, nor the offer of an admin discharge Board, which he had a right to. The applicant and counsel highlighted that they do not know what character, narrative, and reentry code was received, as he never received any documentation.

Upon review of the applicant's service record, the Board was not able to find any documentation regarding the discharge. Due to the lack of evidence, the DRB must rely on the presumption of regularity. After thorough consideration, the Board determined that the evidence provided by the applicant was not compelling enough to outweigh the presumption of regularity. Since the Board relies on this presumption, it concluded the discharge received by the applicant was appropriate.

While the Board concluded there was insufficient evidence to warrant an upgrade of his discharge, this determination does not render the applicant ineligible for retired pay when he reaches 60 years of age. As his records indicate, the applicant served the requisite number of satisfactory years of service to qualify for retired pay; therefore, he is eligible to apply for retired pay at age 60 as a former member. The applicant

should contact the Air Reserve Personnel Center's (ARPC) Total Force Service Center at 1-800-525-0102 for instructions on how and when he should apply for retired pay.

**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 reentry code.

Should the applicant wish to appeal this decision, the applicant must request a personal appearance before the DRB before applying for relief to the Air Force Board for Correction of Military Records (AFBCMR). This is in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*, that 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.

**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 (Sexual Perversion)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the Board president on 24 October 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)