

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

SUMMARY:

The applicant was discharged on 06 October 2019 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Honorable discharge for expiration of enlistment with a reentry code of "6U - Not selected for retention by Commander." The applicant appealed for an upgrade of their reentry code.

The applicant was represented by counsel.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, via video teleconference using Zoom on 06 February 2024. 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 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 requested an upgrade to their reentry code. They believed the command's denial of their reenlistment was inequitable and improper. The applicant was issued a Letter of Reprimand for insubordination and given an order restraining their religious speech, both of which were later rescinded. The applicant was issued a 'Notification of Intent to Impose Nonjudicial Punishment', which was disposed of without further processing. However, when the applicant applied for reenlistment, the commander denied the request, citing a failure to maintain standards compatible with military service and a consistent pattern of behavior contributing to a hostile work environment. The applicant provided character statements and supporting documents to refute this claim; during their appearance, they had two witnesses attesting to the applicant's upstanding character and leadership. The applicant would like to be reinstated to serve their country honorably, however, reinstatement is outside the scope of the DRB.

The DRB notes that under DAFI 52-201, *Religious Freedom in The Department of the Air Force*, which emphasizes religious freedom, Commanders must foster an environment for Airmen and Guardians to practice their worldview, provided it doesn't adversely impact mission, readiness, cohesion, or discipline. When asked during the board, the witnesses testified that the applicant's religious practices did not infringe on these aspects but contributed to resiliency within the unit. Thus, the board found that the discharge was inequitable.

Additionally, 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 ((7)(a) -(7)(r) of this memorandum.

7(c). The aggravating and mitigating facts related to the record or punishment from which the veteran or Service member wants relief. The Letter of Reprimand and order restraining the applicant’s religious speech were rescinded.

7(h). The degree to which the requested relief is necessary for the applicant. The requested relief is necessary to allow the applicant to reapply to the Air National Guard.

7(i). Character and reputation of applicant. Witness testimony, to include from the applicant’s prior commander in his squadron of separation, attested to positive character and reputation.

7(n). Job history. The applicant has maintained gainful employment in the restaurant industry and as an Air Traffic Controller.

7(q). Letters of recommendation. The applicant provided numerous letters of recommendation supporting their reenlistment in the Air National Guard.

FINDING: The DRB voted unanimously to *approve* the applicant’s request to change the discharge narrative reason, and to change the reentry code.

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 inequitable. Therefore, the awarded characterization of service shall remain “Honorable,” the narrative reason for separation shall change to “Secretarial Authority,” and the reentry code shall change to “3K.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 7 February 2024. 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)