

**SUMMARY:** The applicant was discharged on 17 June 2008 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Homosexual Conduct. The applicant appealed for an upgrade of her discharge characterization, a change to the discharge narrative reason and associated separation code, and a change to the reentry code.

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 26 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 applicant's record of service included multiple Article 15s for underage drinking, underage possession of alcohol, and indecent conduct.

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The applicant contended she had honorable service prior to her discharge and the Don't Ask Don't Tell (DADT) policy was repealed in 2010, after she was discharged. She requested an upgrade so she can reenter the service.

A review of the applicant's records revealed she had two separate incidents of underage drinking and possession of alcohol. She also committed an indecent act by exposing her breasts in a public setting. Finally, she kissed and fondled a female during this incident and claimed to be bi-sexual on a social media site. In her response to the discharge action, she claimed she thought she could serve under the DADT policy but found it increasingly difficult to do so.

The applicant checked the box for "DADT" on the application. A review of the applicant's DD-214 revealed the applicant was discharged with a General character of service due to homosexual conduct and misconduct. The applicant's service record revealed she received two Article 15s during her ten months in service for misconduct related to maladaptive alcohol use while underage. One week after the applicant's second Article 15 the applicant submitted a memorandum to her commander requesting discharge on the basis of her sexual preference. The applicant's discharge packaged revealed she was discharged on two bases, including minor disciplinary infractions.

The Board acknowledged that the applicant was discharged on the primary basis of homosexual conduct. However, the applicant also had several incidents of misconduct. Therefore, based on these aggravating factors, the Board found the applicant's discharge proper and the discharge characterization and reentry code of the applicant's service was appropriate.

Additionally, the Board acknowledged that changes in policy, whereby a Service member under the same circumstances today would reasonably be expected to receive a more favorable outcome than the applicant received, may be grounds for relief. In response to the applicant's request for relief, the Board recognized the importance of accurate separation codes that do not inadvertently stigmatize Service members or disclose sensitive information. Therefore, the Board granted a change to the applicant's narrative reason for separation in accordance with the 20 September 2011 memorandum titled "Correction of Military Records Following Repeal of Section 654 of Title 10, United States Code." also known as the "Stanley Memo."

**FINDING:** The DRB voted unanimously to *deny* the applicant's request to upgrade her discharge characterization and change the reentry code. The DRB also voted unanimously to *approve* changing the discharge narrative reason.

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 characterization and reentry code were proper and equitable and the discharge narrative reason was inequitable. Therefore, the awarded characterization of service shall remain "General," the narrative reason for separation shall change to "Secretarial Authority," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the board president on 7 November 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)

