

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT</b>	<b>CASE NUMBER</b> <b>FD-2023-00394</b>
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**SUMMARY:**

The applicant was discharged on 18 July 2022 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with a General discharge for Misconduct (Minor Infractions). The applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the reentry code.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, via video teleconference using Zoom on 06 February 2024. 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 multiple Article 15s/multiple Letters of Reprimand/and multiple Letters of Counseling. His misconduct included: Failed to stay alert and awake on duty while monitoring mission aircraft; derelict in the performance of those duties in that you negligently failed to notice and report threats to mission aircraft; failed to signed out from the flight appropriately to go on leave; failed to uphold professional standards of behavior and was belligerent, used inflammatory language and were disrespectful towards an officer; failed to stay awake during classroom instruction and was told to stay awake numerous times; utilized tobacco products inside a federal building; failed to stay awake during the duty day numerous times; failed to stay awake and maintain focus while providing operational support to a critical mission; failed to complete all overdue Advanced Distributed Learning Service Computer Based Trainings.

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 is seeking an upgrade to his characterization so he can receive medical benefits. The applicant asserts that the facts showed the characterization was an error and unjust because he had been struggling with a medical condition that caused him trouble staying awake. The applicant references the 'Wilkie Memo' and states that relief should not be restricted solely to perfect service, and that his positive service outweighed any negative aspects of his service.

The DRB found no impropriety or inequity in the discharge, noting that the characterization was equitable. The applicant was afforded ample opportunity and was specifically advised to seek assistance for sleep concerns during Technical Training School. He was provided Cognitive Behavioral Therapy and sleep

hygiene methods and told to address any further sleep-related matters promptly at his next assignment. The Medical Review Officer pointed out that the applicant's lack of follow-up to resolve the sleep issues is telling. Shift work, which is not uncommon for military members, can cause sleep disturbances that, if motivated to get resolved, tend to resolve quickly. Additionally, the weight of the Article 15 that stated a negligent failure to detect and report threats to mission aircraft was significant.

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 weighed the impact of 2 Article 15s, 5 Letters of Reprimand (LORs), and 3 Letters of Counseling (LOCs) against the applicant's positive service record. The DRB concluded that the discharge received was appropriate.

**FINDING:** The DRB voted unanimously to *deny* the applicant's request to upgrade their 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 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 found the discharge was proper and equitable. Therefore, the awarded characterization of service shall remain "General" the narrative reason for separation shall remain "Minor Infractions," and the reentry code shall remain "2B". The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 9 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)