

**SUMMARY:**

The applicant was discharged on 08 June 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with a General Discharge for Misconduct (Serious Offense). The applicant appealed for an upgrade of his discharge characterization, a change to the discharge narrative reason, 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 08 February 2024.

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. His misconduct included: Failed to refrain from bullying another Airman; provided alcohol to a minor.

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 indicated that he was falsely accused of violating Article 120 and was subsequently discharged. He explained that the report of investigation did not contain any evidence of the misconduct. The applicant concluded that there was no evidence to back up what he was accused of.

The DRB reviewed the applicant's entire service record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge. The applicant did not provide any evidence contrary that would prove his innocence. Additionally, upon review of the applicant's service record, the Board was not able to find any documentation regarding the discharge. The Board found that the applicant did not provide evidence to overcome the presumption of regularity, and it concluded the discharge received was appropriate.

## **LIBERAL CONSIDERATION:**

*The applicant checked the boxes for post-traumatic stress disorder (PTSD) and “other mental health condition” on the application. The applicant made no other claims or contentions related to a mental health condition. The applicant contends “I was falsely accused of article 120 and discharged. There is no evidence in the [Report of Investigation] ROI and there is no other added evidence attached to the [Letter of Reprimand] LOR. I feel as if my case was mishandled due to a total of 4 LORs, the case being reopened after months of it being closed and that there is no evidence to back up what I was accused of.”*

*Liberal consideration does not apply to this applicant’s request to the board. Other than checking the “PTSD” and “other mental health” boxes on the application, the applicant makes no claims or contentions related to a mental health contention, and no claims or contentions that the boxes he checked on the application caused or mitigated the misconduct that led to his discharge. The applicant did not submit any evidence or records to substantiate his claim. A review of the available records revealed the applicant was referred to Alcohol and Drug Abuse Prevention and Treatment (ADAPT) on two occasions related to maladaptive alcohol use. The applicant denied problematic alcohol use, denied mental health symptoms, declined referrals to mental health or any other supportive services. There is no evidence the applicant exhibited or endorsed any clinically significant indicators of a mental health condition during his time in service and there is no evidence-nor did the applicant contend- a mental health condition caused or substantially contributed to the misconduct that led to his discharge.*

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 (6)(a)-(6)(l) and (7)(a)-(7)(r) of this memorandum and found no evidence of inequity or impropriety.

**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 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 was proper and equitable. Therefore, the awarded characterization of service shall remain “General,” the narrative reason for separation shall remain “Misconduct (Serious Offense),” and the reentry code shall remain “2B.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 13 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)

