

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT**

**SUMMARY:**

The applicant was discharged on 07 May 2019 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Fraudulent Entry. 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), without counsel, via video teleconference using Zoom on 13 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 a Letter of Counseling. His misconduct included: absentee for accountability formation that caused his team miss dinner.

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 conveys their intention to reenlist in the Armed Forces to fulfill their commitment to serve. The applicant disputes a medical diagnosis, alleging a misinterpretation by medical practitioners and underscoring they never officially diagnosed the condition. Furthermore, the applicant asserts he did not provide inaccurate information to the Military Entrance Processing Station (MEPS) or the Air Force, refuting any claims of substantial knee injury or damage to its structures.

The DRB found that the discharge was proper because the applicant failed to disclose previous knee troubles such as locking, giving out, pain or ligament injury, etc., during accession processing. However, the Board concluded that the separation characterization was inequitable because had a medical waiver been approved, the discharge would likely not have occurred. As a result, Applicant's failure to disclose pre-service knee troubles was not the primary cause of the discharge. Command's reliance on these failures in consideration of whether the applicant could apply for reentry into the military was therefore a capricious action "contributing to the decision to discharge or to the characterization of service." DODI 1332.28, E.4.3.3.2.3. That capricious action renders the reentry code inequitable. Thus, the board approves the change to reentry code.

Upon review of the applicant's service record, the board was not able to find any documentation regarding the discharge. Since the board relies on the presumption of regularity, it concluded the discharge received by the applicant was appropriate.

**FINDING:** The DRB voted unanimously to *deny* the applicant's request to upgrade his discharge characterization and discharge narrative reason. However, it voted unanimously to *approve* the applicant's request 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 Air Force DRB (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 "Fraudulent Entry," and the reentry code shall change to "3K". AFDRB results were approved by the Presiding Officer on 15 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://afrbaportal.azurewebsites.us>

Attachment:  
Examiner's Brief (Applicant Only)