

SUMMARY:

The applicant was discharged on 01 December 2022 in accordance with Department of the Air Force Instruction 36-3211, Military Separations, with a General Discharge for Pattern of Misconduct. 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 requested the Board be completed based on a records only review. The Board was conducted on 21 March 2024. The applicant was not represented by counsel.

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 and multiple Letters of Reprimand. Their misconduct included: Assault; Getting into a physical altercation; making violent threats; Violation of a lawful general order; Notice of Isolation and Quarantine; Displayed contempt and disrespect towards an Noncommissioned Officer.

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 requesting an upgrade of all discharge categories. The applicant does not contest that there was any impropriety or equity in their discharge, and instead provided a character letter highlighting the applicant's accomplishments during their service. The applicant indicates there were unfortunate circumstances beyond their control and expresses their consistent demonstration of a strong work ethic, teamwork, and willingness to learn and adapt.

The DRB thoroughly examined the applicant's entire service record but found there was no evidence of impropriety or inequity that would warrant an upgrade of the discharge. Additionally, the applicant did not provide evidence to support their request to overcome the presumption of regularity, as outlined in Department of the Air Force Instruction 36-2023 para 3.2.4. This regulation stipulates that the DRB presumes regularity in governmental affairs unless substantial credible evidence is presented to the contrary. The burden falls on the applicant to provide such evidence, and relief will only be granted if the Board determines sufficient evidence to conclude that the discharge was not proper or equitable. Since the Board relies on this presumption of regularity, it concluded that the discharge received by the applicant was appropriate.

LIBERAL CONSIDERATION:

The applicant checked the box for “PTSD” on the application. The applicant contended that circumstances beyond his control led to the events that ultimately resulted in his discharge. The applicant makes no other mental health contentions and did not submit any other evidence or records. Based on a review of the applicant’s records, there is no evidence the applicant received the diagnosis of PTSD during his time in service. There is no evidence the applicant exhibited or endorsed any clinically significant indicators of PTSD or any mental health condition during his time in service. Liberal consideration is not applied to this applicant’s claim. The applicant made no claim or contention that a mental health condition caused or substantially contributed to the misconduct(s) that led to his discharge. Further, a review of the applicant’s record revealed the applicant’s records revealed his misconducts included premeditated misconduct and violence (or threats of violence) toward others, which is generally excluded from the intent of liberal of liberal consideration.

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 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 “Patterns of Misconduct,” and the reentry code shall remain “2B.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 17 April 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)