

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT**

**SUMMARY:**

The applicant was discharged on 16 November 2021 in accordance with *Air Force Instruction 36-3208, Administrative Separation of Airmen*, with an Under Other Than Honorable Conditions (UOTHC) Discharge in Lieu of Trial by Court Martial. The applicant appealed for an upgrade of her discharge characterization 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 05 March 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 Court-Martial Charge Sheet and an Article 15. Her misconduct included: Wrongfully, and without explicit consent, broadcasted intimate visual images of another, when she knew or reasonably should have known that this was likely to cause harm, harassment, intimidation, emotional distress, or financial loss, or to cause harm with respect to her health, safety, business, calling, career, financial condition, reputation or personal relationships, which had a reasonably direct and palpable connection to a military mission or military environment; Unlawfully strangled another Airman with her arm; on divers occasions, consumed alcohol while under the legal drinking age of 21.

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 that the discharge received was unjust and harsh. She indicated that the incident does not define her and that if granted an upgrade, it is her intention to reenlist.

During the personal appearance, through sworn testimony, the applicant detailed what led up to the incident that ultimately led to her discharge. She highlighted that she takes accountability for her actions and stated that she was young, and the actions were childish. The applicant indicated that post-service, she has done well, is now a mother and works at a daycare. When asked why she took the discharge in lieu of court martial, she replied that it was explained to her that she was going to face jailtime and so she felt there was no other way than to accepted the UOTHC discharge.

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 submitted a request for discharge in lieu of trial by court-martial. As part of the request, the applicant stated she understood she may be discharged with a UOTHC service characterization and the consequences thereof, such as deprivation of her Montgomery G.I. Bill and Post-9/11 G.I. Bill entitlements, as well as substantially all other veterans' benefits from her enlistment. The Board understood that the applicant felt the discharge was harsh, however, the misconduct was egregious in nature, and involved multiple victims. When separation is based upon one or more acts or omissions that constitute a significant departure from the conduct expected of Service members, a UOTHC is warranted. Taking this into consideration, the Board determined the characterization received was appropriate. Additionally, her decision to engage in this type of misconduct does not align with the values and standards expected in the United States Air Force, and her commander stated in a 6 October 2021 memorandum that since the case began, the applicant's attitude and work ethic had been subpar and she was unable to be left unsupervised, therefore, an upgrade to the reentry code could also not be supported.

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 her 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 "Under Other Than Honorable Conditions," the narrative reason for separation shall remain "In Lieu of Trial by Court Martial," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 6 March 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)