

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

SUMMARY:

The applicant was discharged on 19 June 2017 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Entry Level Separation for Erroneous Entry (Other). 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 12 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 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 while she was in basic training, she gave her kids to her parents, but upon graduation from basic, she was notified of a warrant for her arrest. She explained that the father of her children had filed charges against her for custodial interference, as he alleged that she purposely interfered with his visitation time. The applicant highlighted that the father knew of her joining the Air Force and was in agreement, additionally, her parents had searched for him to continue visitation rights, and there was no parenting plan established prior to her going off to basic training. She concluded that the accusations of custodial interference were false, and this ruined her chance at having a career in the Air Force. She requests and upgrade so that she may have a second chance.

During the personal appearance, the applicant, through sworn testimony, explained the circumstances that resulted in her discharge. She indicated that the Air Force indicated she could stay in if the custodial issues were resolved in a timely manner. However, they were not, and she was discharged. The applicant concluded that the issues have been resolved, the children's father has primary custody, but they now share time with the children.

After thorough consideration, the DRB determined that the reentry code given, which barred her from service was inequitable. There was no evidence of a felony warrant as the discharge notification indicated. There was, however, a warrant issued from the superior court in Washington, but it has since been resolved.

Therefore, the Board concluded that she should not be prevented from attempting to pursue a career in the Air Force again.

The applicant requested her uncharacterized Entry Level Separation be upgraded to “Honorable.” However, this would violate current Air Force policy IAW AFI 36-3208, which states Airmen are in entry level status during the first 180 days of continuous active military service and if a separation action is initiated during this time, they will receive an entry level separation without service characterization. Therefore, the applicant’s request to “upgrade” to “Honorable” could not be approved.

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.

FINDING: The DRB voted Unanimously to **approve** the applicant’s request to change the reentry code, however, it **denied** an upgrade to her discharge characterization. It also voted 2 to 1 to **approve** a change to the discharge narrative reason.

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 inequitable. Therefore, the awarded characterization of service shall remain “Entry Level Separation,” the narrative reason for separation shall Change to “Secretarial Authority,” and the reentry code shall Change to “3K.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 14 Marche 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)

