

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

SUMMARY:

The applicant was discharged on 02 March 2012 in accordance with Air Force Instruction 36-3209, Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members, with an Under Other than Honorable Conditions (UOTHC) Discharge for Misconduct – Other Serious Offenses. The applicant appealed for an upgrade of their discharge characterization, and a change to the discharge narrative reason.

The applicant requested the board be completed based on a records only review. The Board was conducted on 13 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 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 states that his UOTHC discharge was based on his arrest and charges, not his military service. Rather, it was based on his civilian life, i.e., arrest. The applicant states that his military service was honorable and at times it was above and beyond. The applicant asserts that his military records and history prove his request for an upgrade.

The applicant further highlights his achievements while in the National Guard. He cites service at two classified locations for Operation Iraqi Freedom, discovery of a mechanical issue with fuel flow meters leading to an Air Force-wide change in equipment calibration, and earning NCO of the year for the Air National Guard. The applicant also states that he supports a veteran's group at his correctional facility.

The DRB interprets the applicant's claim as being a challenge to the propriety of his discharge, because the applicant asserts that his discharge characterization was improperly based on illegal activity that occurred while the applicant was not in a military status. However, the applicant provides no substantial credible evidence of this assertion. Further, even assuming the applicant's assertion were true, the discharge is still proper. AFI 36-3209, under which the applicant was discharged, states at paragraph A2.2.3. that "conduct in the civilian community of a member not on active duty or ADT may be used to characterize service as UOTHC only if the conduct directly affects the performance of military duties." The applicant failed to present substantial credible evidence that his arrest and charges did not directly affect the performance of his military duties.

Finally, while the applicant did not assert his discharge was inequitable, the DRB nonetheless determined there was no equity basis upon which to grant the requested relief.

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. These hearings are conducted virtually or by conference call, and do not necessitate travel.

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 "Misconduct – Other Serious Offenses," and the reentry code shall remain "6U." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 13 Apr 24. 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)