

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2023-00656
<p>SUMMARY: The Applicant was discharged on 17 December 2021 by Air Force Instruction 36-3208, <i>Administrative Separation of Airmen</i>, with a General Discharge for Misconduct (Minor Infractions). The Applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the reentry code.</p> <p>The Applicant requested that the Board be completed based on a record only review. The Board was conducted on 25 April 2024. The Applicant was not represented by counsel.</p> <p>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.</p> <p>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.</p> <p>The documentary evidence the Board considered as part of the review includes, but is not limited to the DD Form 293, <i>Application for the Review of Discharge from the Armed Forces of the United States</i>, 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.</p> <p>The Applicant is seeking an upgrade in their characterization citing the rescinded COVID-19 vaccine mandate. They believe it was unconstitutional to be forced to receive the vaccine. The Applicant expressed fear about potential adverse effects, as they had read reports of deaths related to the medication.</p> <p>The Board considered the differences in the DoD’s current COVID-19 policies and those in effect at the time of the Applicant’s discharge. The Secretary of Defense rescinded the COVID-19 Vaccination Policy Memoranda, effective 23 January 2023, as required by the National Defense Authorization Act for Fiscal Year 2023. The DAF is no longer discharging members with general service characterizations <i>solely</i> for refusing to receive the COVID-19 vaccine because of service-wide policy changes.</p> <p>The Board reviewed the Applicant's entire service record and determined that in addition to the Applicant's refusal to take the vaccine, there was other misconduct in the service record. Given the overall circumstances of the Applicant's discharge, the DRB concluded that without the discharge package, it was impossible to confirm the absence of <i>other aggravating factors</i>, thereby preventing the granting of the requested relief. Therefore, based on the presumption of regularity and current Department of Defense (DoD) and Department of the Air Force (DAF) policies, the DRB found the discharge was equitable.</p> <p>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.</p> <p>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).</p>	

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 "Misconduct (Minor Infractions)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 1 July 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)