

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

SUMMARY: The Applicant was discharged on 12 April 2013 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a Character of Discharge of Under Honorable Conditions (General), a Narrative Reason for Misconduct (Minor Infractions) and a Reentry Code of 2B. The Applicant appealed for an upgrade of their Character of Service.

The Applicant requested the Board conduct an initial record review of their discharge. The Board convened on 25 April 2024. The Applicant was 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 service record included an Article 15, multiple Letters of Reprimand, and multiple Letters of Counseling. Their misconduct included: Failure to Pass Dorm Inspection (3 Times); Failure to Go (6 Times); Dereliction of Duty; Failure to Follow Regulation (2 Times), Violation of Driving Safety Policy, Speeding, Exhibiting Disrespect to Authority, Noncommissioned Officer, And Failure to Adequately Perform Foreign Object Check.

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 sought an upgrade in their character of service, claiming that there had been an error in discretion at the time of discharge. The Applicant and their counsel argued that the Applicant would have received an honorable discharge if given the opportunity to complete rehabilitation. The counsel contended that despite receiving numerous letters of counseling and reprimands, the Applicant's minor misconduct should not have overshadowed their honorable service. They also pointed to the Applicant's later diagnosis of celiac disease as a contributing factor to some of the misconduct incidents, as this condition had been undiagnosed during their service. Additionally, the Applicant's counsel emphasized that the minor misconduct could have been rectified under better leadership and had submitted several character statements supporting the Applicant's good intentions under this challenging environment.

The DRB reviewed the record and the evidence submitted by the Applicant, finding the Applicant's environment to be questionable. The DRB noted that Airmen in similar situations as the Applicant, with misconduct consisting of similar infractions, would typically receive less severe reprimands. While Letters of Reprimand or Counseling are quality force management tools for discipline and are corrective in nature, not punitive, the excessive amount of paperwork given to the Applicant for minor misconduct creates the

impression that the Applicant was targeted with heightened scrutiny. Sufficient evidence led the Board to conclude that there was inequity in the Applicant's discharge process.

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 and found evidence of inequity.

FINDING: The DRB voted to unanimously *approve* the Applicant's request to upgrade their Character of Service. However, The DRB also voted to unanimously *deny* the Applicant's request to change the discharge Narrative Reason and voted 2 to 1 to *deny* a change in 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 inequitable. Therefore, the awarded Character of Discharge shall change to Honorable, the Narrative Reason shall remain Misconduct (Minor Infractions), and the Reentry Code shall remain 2B. The DRB Presiding Officer approved the results on 19 May 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)