

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

SUMMARY:

The applicant was discharged on 27 April 2023 in accordance with Department of the Air Force Instruction 36-3211, Military Separations, with an Entry Level Separation for Erroneous Entry. 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 requested the Board be completed based on a record only review. The Board was conducted on 11 April 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 requested clemency as they contested their separation, which was based on two felony charges from an investigation that was ultimately dismissed. They submitted court documents from the 8th Judicial Circuit of Illinois Adams County and a few character statements to support their claim.

The DRB recognized the applicant requested their uncharacterized Entry Level Separation be upgraded to "Honorable." However, this would violate current Air Force policy in accordance with Department of Defense Instruction 1332.14, which states that Airmen are in entry-level status during the first 365 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.

The DRB did not have enough information to grant clemency in reviewing the applicant's record and the evidence provided. The DRB has the authority to consider several factors, including but not limited to candor, atonement, and post-service conduct when recharacterizing a discharge. When reviewing an applicant's performance and conduct during the service period, the Board will consider exceptional post-service behavior that can provide a more thorough understanding of their conduct. To support a post-service conduct upgrade, the applicant should submit documents such as a verifiable employment record, marriage and children's birth certificates (if applicable), character witness statements, community or church service records, certification of non-involvement with civil authorities, evidence of financial stability or letters of good standing from banks, credit card companies, or other financial institutions, official transcripts of higher

education, and documentation of a drug-free lifestyle. However, it should be noted that completion of these documents alone does not guarantee an upgrade of an unfavorable discharge, as each case is reviewed on its merit to determine if post-service accomplishments demonstrate that in-service misconduct was an exception and not an indication of the applicant's overall character.

It should also be recognized that the administrative discharge process is based on a preponderance of the evidence standard (demonstrating that the proposition is more likely true than not true), in contrast to the higher standard applied in a criminal proceeding. The standard of proof in a criminal trial puts the prosecutor at a greater burden. Ultimately, the Board concluded that the discharge received by the applicant was appropriate.

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 no evidence of inequity or impropriety.

FINDING: The DRB voted unanimously to *deny* the applicant's request to upgrade their 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.

CONCLUSION: After a thorough review of the available evidence, to include the Applicant's issues, summary of service, available service records, and discharge process, the Board found the discharge was proper and equitable. Therefore, the awarded characterization of service shall remain "Entry Level Separation," the narrative reason for separation shall remain "Erroneous Entry," and the reentry code shall remain "2C." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 11 May 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)