

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

CASE NUMBER

FD-2023-00720

SUMMARY: The Applicant was discharged on 14 April 2023 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Uncharacterized discharge for Entry Level Performance and Conduct. 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 records only review. The Board was conducted on 30 May 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 record of service included multiple Letters of Reprimands (LOR), multiple Letters of Counseling (LOC), and multiple Counseling Remarks. His misconduct included:

- Remark/Counseling for failing to follow guidance on his waiver, respecting NCOs, and lack of military bearing.

- Remark/Counseling for improper entry controller procedures; allowing improper access. Trainee was wearing a white shirt under Operational Camouflage Pattern shirt (OCP) in OCP uniform.

- LOC for having unauthorized items in his wall locker such as lotion and a new pair of shower shoes hidden behind his blues; occurring one day after he received an unsatisfactory core value rating for leaving unauthorized items in his laundry bag and leaving his personal living area in disarray.

- Remark/Counseling for failing maintenance stands inspections on his security drawer.

- LOR for being found by a TSgt that he made an explicit, inappropriate comment in writing on the back of another trainee's flight photo.

- LOR for his personal living being in complete disarray and writing letters although he was not instructed he could.

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 an upgrade to their Character of Service, Separation Code, Reentry Code, and Narrative Reason for Separation. The Applicant contested their Air Force discharge, claiming it was unjust and misrepresented their character. They argued that their actions and words were inaccurately judged as a violation of Article 92 of the Uniform Code of Military Justice. They pointed out that if the Air Force's revamped "Zero Week" initiative, focusing on team building and maintaining recruits' living areas, had been implemented during their enlistment, they likely wouldn't have been discharged. Specifically, the Applicant mentioned they requested their Re-Entry Code be changed to allow for immediate re-enlistment, the narrative be removed, and reflect they successfully completed Basic Military Training (BMT).

The Applicant provided the following documents in support of their claim: Airman's Discharge Memorandum; Photo of Airman Participating in Airmen's Run; Confirmation Date of Airman's Granted Phone Call Home; Character Letter; Article titled, "Air Force Revamps Zero Week" Article; Article titled, "Air Force Touts Success Program Allowing Recruits to Meet Drill Instructors Before Shipping Out to Boot Camp."

The DRB determined that the Applicant's request of and uncharacterized Entry Level Separation be "upgraded" to Honorable could not be approved. The 365-day eligibility for separation is applied to those Service Members who enlist on, or after, 23 December 2022. Upgrading the characterization would violate current policy IAW DoDI 1332.14, which states 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. The Board found that the Applicant addressed the specifics leading to his discharge, explaining many, but not all of the situations documented as misconduct and clarifying his situation. However, the Board found that the discharge was proper and equitable, and the Applicant had many opportunities to improve his performance and conduct. Therefore, the Board determined a change to the narrative is not warranted. The Applicant believed he deserved a second chance despite his misconduct in order to have the opportunity to serve in the military again. The Board found the seriousness of the Applicant's misconduct was minor and with his explanations of some the situations, voted 2 to 1 in favor of granting an upgrade of the reentry code.

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 his discharge characterization and to change the discharge narrative reason. The DRB voted 2 to 1 to **approve** the Applicant's request to upgrade his 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 proper and equitable. Therefore, the awarded characterization of service shall remain "Uncharacterized," the narrative reason for separation shall remain "Entry Level Performance and Conduct," and the reentry code shall Change to "3K." The DRB results were approved by the Presiding Officer on 10 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)