

SUMMARY: The applicant was discharged on 22 July 2022 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Entry Level Separation for Misconduct (Minor Infractions). The applicant appealed for an upgrade of his discharge characterization 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 13 June 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 an upgrade to his reentry code and character of service. He explicitly asserted an equity claim and a propriety claim. Regarding equity, he stated that his discharge was unethical because he was denied access to an Area Defense Counsel, that his command changed his supervisor "on the basis of profiling," and that he did not receive orders to return to his home base. Regarding propriety, the applicant stated that his misconduct of room inspection failures, missed curfew, and using unprescribed liberty should not have led to a discharge, that his discharge packet did not contain Letters of Counseling, Letters of Reprimand, or rationale behind the discharge determination, and that the narrative reason and reentry code are not correlated.

The applicant indicated that he included character letters, a resume, a graduation letter, a Letter of Reprimand rebuttal, a graduation letter, and an unspecified "NREMT" letter. However, the applicant only filed a personal letter addressing his desire to become an Army officer and one character reference.

The Board determined that applicant failed to present "substantial credible evidence" showing the inequities he asserted. DODI 1332.28, *Discharge Review Board (DRB) Procedures and Standards*, E3.2.12.6. The applicant did not provide evidence of being denied counsel, an explanation of what he meant by profiling or any evidence thereof, or evidence that he returned home without orders. Without any evidence, the Board was unable to conclude that an inequity exists warranting an upgrade.

The Board determined that the same failures precluded relief on the applicant's propriety claims. When considering a propriety claim, the Board is required to deem a discharge proper unless it determines that "[a]n error of fact, law, procedure, or discretion exists associated with the discharge at the time of issuance;

and that the rights of the applicant were prejudiced thereby.” DODI 1332.28, paragraph E4.2.1.1. The applicant provided no evidence that his stated misconduct was the sole misconduct underlying his involuntary discharge, nor did the applicant provide evidence that a discharge based on this conduct was an error. Further, the applicant did not provide a copy of his discharge packet to prove that the listed documents were not present.

However, the Board was persuaded that the applicant’s reentry code was an error based on his DD214. The applicant stated that the narrative reason and reentry code he received were not correlated. The applicant received a 2B reentry code, which corresponds to being separated with a general or under other than honorable conditions discharge. DAFI 36-2606, *Reenlistment and Extension of Enlistment*, Table 5.3. The applicant was not discharged with either characterization. Rather, he was discharged while in entry level status, which corresponds to a 2C reentry code. The Board determined to correct this error on his DD214.

The Board noted that the applicant requested an upgrade of his uncharacterized service to “Honorable.” The applicant was discharged while still in entry level status. An honorable characterization would violate DAFI 36-3211, *Military Separations*, which states that airmen are in entry level status during the first 365 days of continuous active military service. If a separation action is initiated during this time, entry level status airmen must receive an entry level separation without service characterization unless the Secretary of the Air Force determines that an “Honorable” characterization is clearly warranted “by unusual circumstances of personal conduct and performance of military duty.” DAFI 36-3211 at page 57 (paragraph 3.16.1.2). The applicant presented no evidence of such unusual circumstances.

FINDING: The DRB voted unanimously to *deny* the applicant’s request to upgrade his discharge characterization, and voted unanimously to *approve* a change to the reentry code. The applicant did not request a change to the narrative reason.

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 improper. Therefore, the awarded characterization of service shall remain “Uncharacterized,” the narrative reason for separation shall remain “Misconduct (Minor Infractions),” and the reentry code shall Change to “2C.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 3 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)

