

SUMMARY: The Applicant was discharged on 3 Mar 2023 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Misconduct (Serious Offense). The Applicant appealed for an upgrade of their discharge characterization.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 16 May 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 Applicant's record of service included a Letter of Reprimand (LOR). Her misconduct included: LOR - Arrested by [Redacted] Police Department for Driving Under the Influence of Alcohol with a Blood Alcohol Concentration of 0.174.

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 her Character of Service from General. The Applicant stated she received her discharge for a DUI, which she stated, "I feel beyond ashamed; I have been sober since the incident". The Applicant stated they are attending Alcoholics Anonymous and hoping her efforts to improve and she never having another incident reoccur will be enough to upgrade her discharge.

The DRB determined that the discharge was inequitable, justifying an upgrade as the Applicant's records showed only one incident of misconduct, an LOR for a DUI that led to the Applicant's discharge. There was not bodily harm or damage to property. The Board acknowledged that the Applicant had served with honor for more than five years and carefully examined the entire service record, ultimately deciding that the severity of the Applicant's misconduct did not outweigh the positive aspects of her service. The Board suggested that the Applicant consider submitting a personal appearance application to present evidence and testimony if seeking further upgrade.

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 following factors which specifically assisted the Board in reaching its decision:

It is consistent with military custom and practice to honor sacrifices and achievements, to punish only to the extent necessary, to rehabilitate to the greatest extent possible, and to favor second chances in situations in which individuals have paid for their misdeeds.

An honorable discharge characterization does not require flawless military service. Many veterans are separated with an honorable characterization despite some relatively minor or infrequent misconduct. The Applicant's record reflected positive performance and honorable service.

Relief is generally more appropriate for non-violent offenses than for violent offenses. The DUI did not result in injury or damage to property.

Severity of misconduct. The Applicant's record reflected one instance of misconduct, an LOR for a DUI that did not result in injury or damage to property.

Acceptance of responsibility, remorse, or atonement for misconduct. The Applicant stated "I feel beyond ashamed; I have been sober since the incident".

Character and reputation of Applicant. The Applicant's record reflected the Air and Space Achievement Medal with 1 Oak Leaf Cluster, AF Good Conduct Medal, and evaluation rating 5 (Exceed most, if not all expectations) x3 October 2017 through 31 March 2022.

Evidence of rehabilitation. The Applicant stated she attended Alcoholics Anonymous and hopes her efforts improve and she never has an incident reoccur.

FINDING: The DRB voted unanimously to *approve* the Applicant's request to upgrade her discharge characterization and to change the discharge 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 inequitable. Therefore, the awarded characterization of service shall Change to "Honorable," the narrative reason for separation shall Change to "Secretarial Authority," and the reentry code shall change to "2C." The DRB results were approved by the Presiding Officer on 11 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)