

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

SUMMARY:

The applicant was discharged on 23 July 2010 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Entry Level Separation, Uncharacterized. The applicant appealed for an upgrade of their discharge characterization and a change to their separation code.

The applicant requested the Board be completed based on a records only review. The Board was conducted on 24 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 reenry 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 stated they were diagnosed with migraines at Lackland AFB, TX. The applicant stated they were previously diagnosed with migraines prior to enlistment but had not experienced conditions related to migraines for the seven years prior to enlistment. The applicant stated that upon discovery with medical staff at Lackland, they were presented the option of entry level separation. The applicant stated that since separating, they've maintained a career in business management and holds various professional licenses, is a registered representative with Financial Industry Regulatory Authority (FINRA) and holds a notary commission. The applicant states they have volunteered for many organizations and given back to the community. The applicant requested a review and adjustment to character of service to honorable and separation code to "JBH Other", allowing applicant to further community service by joining the local American Legion as a post member. The applicant stated the Legion needs qualified individuals to join the post.

The DRB determined the discharge was proper and equitable. The Applicant was discharged for a defective enlistment. The applicant was found to have intentionally concealed a prior-service medical condition, which, if revealed, could have resulted in rejection of their enlistment. On the Report of Medical History in the applicant's record, the applicant checked "no" to "Have you ever had or do you now have: frequent or severe headaches". A statement from the member in their record reflected the applicant also stated, "I chose not to disclose my problem of chronic sinus infection related migraines to MEPS because the current time, my migraines were not as severe as they once were. Along with that, I chose not to because I felt it was a life changing and successful decision to enlist. However, my migraines have restricted me from completing my necessary duty in the United States Air Force". The applicant requested (365 day) uncharacterized Entry

Level Separation be “upgraded” to Honorable. However, this would violate current Air Force policy IAW AFI 36-3211, 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. Therefore, the applicant’s request to “upgrade” could not be approved. The applicant stated the discharge should be upgraded based on their post-service conduct. The DRB was pleased to see the applicant has been successful since leaving the Air Force. However, the Board reviewed the applicant’s entire service record and found no evidence of impropriety or inequity to warrant any changes to the discharge.

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, service/medical record entries, 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 “Uncharacterized”, and the reentry code shall remain “2C”. The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 1 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)