

SUMMARY: The Applicant was discharged on 17 November 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with a General Discharge for Misconduct (Serious Offense). 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 27 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 Applicant's record of service included multiple Letters of Reprimand, a Letter of Admonishment and a Letter of Counseling. Their misconduct included larceny and wrongful appropriation valued at \$84, failure to report (four instances), dereliction of duties in disclosing intimate encounters with a peer.

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 discharge, asserting that the offense was not serious and that their command was not supportive. The Applicant explained that an incident at honor guard was unfairly used against them, along with gossip from other airmen. They claimed they were wrongfully accused of actions they did not commit. While they regretted their behavior at that base, they did not believe their administrative discharge was fair or just.

The DRB found that the applicant had a pattern of misconduct throughout their military career. The applicant contended that the general discharge was too severe compared to their misconduct, the Board acknowledges that being wrongfully accused can add stress, impacting decision-making and behavior. However, the fact remains that the applicant committed larceny and other derelictions of duty. The evidence provided was insufficient to convince the Board to grant an upgrade in characterization. Nevertheless, the DRB determined that the narrative reason for discharge was too harsh, considering the extenuating circumstances. The DRB also decided to allow the applicant to go through the military entrance and waiver process to potentially rejoin the military. This decision reflects the Board's belief in providing individuals with the opportunity for redemption and recognizing their potential for positive contributions to the military.

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.

FINDING: The DRB voted to *approve* the change to the discharge narrative reason and to change the reentry code. However, the DRB voted to *deny* the Applicant's request to upgrade their discharge characterization.

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 remain “General,” the narrative reason for separation shall Change to “Misconduct (Minor Offense),” and the reentry code shall Change to “3K.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 4 September 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)

