

SUMMARY: The Applicant was discharged on 31 May 2018 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a Under Other Than Honorable Conditions Discharge for Misconduct (Serious Offense). The Applicant appealed for an upgrade of their discharge characterization and a change to the discharge narrative reason.

The Applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using Zoom on 16 July 2024. No witnesses were present to testify on the Applicant's behalf.

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, and multiple Letters of Counseling. Their misconduct included: two instances of Reckless driving, a Missed Mandatory meeting, larceny, and fraternization.

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 sought an upgrade to their discharge to join the local National Guard or Reserves. They expressed regret for their shoplifting incident and had since committed to conducting themselves with honor and integrity. However, the Applicant contested the charge of fraternization, stating that their relationship was known to their command. They emphasized that they had children together and are still in a relationship.

The DRB understood that while the Applicant does not dispute the legitimacy of their discharge, they argue it was inequitable, particularly in light of the fact that their fraternization was known to their command but not formally addressed, suggesting implicit approval. However, the Board determined that fraternization and unprofessional relationships are violations of Air Force regulations, irrespective of whether they are directly addressed by command. Upon reviewing the Applicant's record the Board observed a consistent pattern of misconduct that worsened over time. The Board also noted that the Applicant had voluntarily waived their right to a Board of Inquiry, accepting the possibility of an 'Under Other Than Honorable Conditions' discharge. Ultimately, the Board concluded that the discharge remains appropriate and reflective of the Applicant's conduct and service history.

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, and to change the discharge narrative reason.

Should the Applicant wish to appeal this decision, the Applicant must seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

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 “Under Other Than Honorable Conditions” and the narrative reason for separation shall remain “Misconduct (Serious Offense).” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 6 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)

