

SUMMARY: The Applicant was discharged on 25 January 2024 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Uncharacterized/Entry Level Separation discharge for Entry Level Performance and Conduct. 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 3 October 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 the following documented misconduct leading up to their discharge:

- Letter of Counseling (LOC) for receiving seven total demerits leading to a failure in a random room inspection.
- Letter of Reprimand (LOR) for breaking phase two restrictions which included multiple violations

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 contends their discharge involved false accusations against them. The Applicant submitted a separation rebuttal package from their counsel during their time of discharge and argues that the allegations along with the supporting documentation contained in the notice of separation were insufficient to establish that the Applicant committed the alleged acts.

The DRB determined that the contentions and evidence that the Applicant provided did not overcome the preponderance of evidence in their record that they committed multiple acts of misconduct which led to their discharge. The Board did not find any evidence of inequity or impropriety in the Applicant's discharge. Additionally, the Applicant requested their Uncharacterized entry level separation be upgraded to Honorable. However, this would violate current Air Force policy, 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. The Applicant had less than 180 days of active military service at the time their discharge was initiated; Therefore, their request for an honorable service characterization could not be approved. Lastly, the Board acknowledged the Applicant's intent to rejoin the military and advised that the Applicant's current 2C reentry code may allow them to apply to other military services.

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 “Uncharacterized/Entry Level Separation,” the narrative reason for separation shall remain “Entry Level Performance and Conduct,” and the reentry code shall remain “2C.” The DRB results were approved by the Presiding Officer on 23 October 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)