

**SUMMARY:** The Applicant was discharged on 24 August 2022 with a Bad Conduct Discharge after being convicted during a Special Court-Martial for Assault of an Officer.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 08 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 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 a discharge upgrade, emphasizing that a mistake made at age 21 does not reflect their true character. They no longer consume alcohol, have avoided physical altercations, and are now pursuing a career dedicated to helping others. According to the Applicant, their Bad Conduct Discharge has hindered their ability to secure a position in their chosen field, despite being a certified Firefighter/EMT and working as an Emergency Technician at a Level 1 Trauma Center. The Applicant also tested for a fire department, ranking in the top 20, but states they were disqualified due to their BCD. They believe an upgraded discharge would allow them to better serve their community as a firefighter.

It is important to note that the DRB has the authority to consider factors such as candor, atonement, and post-service conduct when evaluating requests for clemency or discharge recharacterization. The Board reviews the Applicant's service performance and behavior, considering exceptional post-service conduct to assess whether the in-service misconduct was an isolated incident rather than a reflection of overall character. However, the submission of documents alone does not guarantee a favorable outcome, as each case is reviewed on its merits to determine if the Applicant's post-service accomplishments demonstrate meaningful rehabilitation.

The DRB determined that the Applicant's conviction under Article 128 of the UCMJ for assaulting an officer constituted a serious offense. In support of their request for a discharge upgrade, the Applicant submitted only a personal statement and a certificate for completing a Basic Firefighter Structure course. The Board found these documents did not outweigh the misconduct leading to the discharge or justification to upgrade the discharge.

In this case, the Board found no evidence of inequity or impropriety in the Applicant's discharge process. The discharge characterization was deemed appropriate given the nature of the misconduct.

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.

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 “Bad Conduct Discharge,” the narrative reason for separation shall remain “Court Martial (Other),” and the reentry code shall remain “2L.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 24 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)