

SUMMARY: The Applicant was discharged on 02 April 2019 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a Under Honorable Conditions - (General) 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 requested the Board be completed based on a records only review. The Board was conducted on 24 October 2024. The Applicant was 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 Applicant's record of service included the following documented misconduct leading up to their discharge:

- Article 15 for engaging in an unprofessional relationship with a student.
- Letter of Reprimand for negligently failing to complete administrative documents at the request of their supervisor.

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 based on propriety, asserting they should have received an honorable characterization. They argued that the command should have accepted their conditional waiver of rights for an honorable discharge, as the allegation of an inappropriate relationship was inaccurate.

The Applicant's counsel highlighted inconsistencies in the statements provided by the individual involved. In one sworn statement, the Airman claimed she had a sexual relationship with the Applicant over five days. However, in a second sworn statement, she emphasized that the relationship was not sexual and that her interest in the Applicant was primarily due to his knowledge of investment opportunities. She stated that she approached the Applicant as a learning resource and invited him to her dorm room to discuss financial matters, with no intention of pursuing a sexual relationship, as she was already in a committed relationship. The counsel also pointed to other inaccuracies in the description of events, noting that assumptions made by others furthered the claims of an unprofessional relationship despite the lack of substantive evidence. The counsel argued that these assumptions and inconsistent statements should not outweigh the Applicant's meritorious service.

The DRB found that their interactions with the student, regardless of the sexual nature, breached essential boundaries expected of instructors in a training environment. The Board noted that, as an instructor, the

Applicant displayed poor judgment by engaging in unprofessional conduct that compromised these boundaries. Although the Applicant's counsel highlighted conflicting statements from the student regarding the nature of their relationship, the Board determined that the overall evidence, along with peer and command perceptions, supported the finding of unprofessional conduct.

While counsel also presented character references and emphasized the Applicant's positive service record, the Board concluded these factors did not outweigh the seriousness of the misconduct given the Applicant's authoritative role. The Board clarified that VA benefits eligibility is not grounds for a discharge upgrade and ultimately found that a General discharge was appropriate, denying the request for an upgrade.

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 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 "Under Honorable Conditions - (General)," the narrative reason for separation shall remain "Misconduct (Serious Offense)," and the reentry code shall remain "4D." The DRB results were approved by the Presiding Officer on 25 November 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, MD 20762-6435

Instructions on how to appeal an AFDRB decision can be found at <https://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)