

SUMMARY: The Applicant was discharged on 27 June 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Under Other Than Honorable Conditions Discharge for In Lieu of Trial by Court Martial. 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 21 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 an Article 15. Their misconduct included: Behaved in a disrespectful manner towards a commissioned officer in command.

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 stated that the Air Force had taught them many valuable lessons on how to properly navigate life and that it was maturity, circumstances, and the challenges of navigating adulthood as an 18 – 21-year-old while he was on active duty that hindered his growth. The Applicant would appreciate having their discharge upgraded to help reach their goals and continue to enhance the lessons and skills learned from being an Airman.

The DRB acknowledged that the Applicant did not make any specific contentions but requested that the Board provide grace. The Board understood that the Applicant's current service characterization renders them ineligible for Department of Veterans Affairs education benefits. However, this is not a matter of inequity or impropriety that would warrant an upgrade.

The DRB reviewed the Applicant's entire service record and found no evidence of impropriety or inequity to justify upgrading the discharge. The Board presumes that a discharge is proper unless the Applicant can show by substantial credible evidence that there was an error of fact, law, procedure, or discretion associated with the discharge at the time of issuance, and that the Applicant's rights were thereby prejudiced. The Applicant did not produce any evidence to support their request to overcome the presumption of regularity.

The Applicant bears the burden of providing evidence to overcome this presumption, and the Board will only grant relief if it determines there is sufficient evidence to conclude the Applicant's discharge was not proper or equitable.

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 “Under Other Than Honorable Conditions,” the narrative reason for separation shall remain “In Lieu of Trial by Court Martial,” and the reentry code shall remain “4H.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 4 August 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)

