

**SUMMARY:** The Applicant was discharged on 29 January 2024 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Honorable discharge for Unacceptable Conduct. The Applicant appealed for 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 07 November 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: a Letter of Reprimand for willful failure to obey a direct order to receive mandatory influenza and varicella immunizations.

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 asserted that they were discharged solely for refusing the COVID-19 vaccine. Their counsel argued that, despite engaging in no misconduct, following the proper procedures, and performing at a high level, the Applicant was treated as a criminal and outcast solely due to their vaccination status. The only reason the Applicant avoided discharge during the COVID mandate was a federal court injunction. Following further religious study, the Applicant discovered additional vaccines that, if mandated, would violate their religious beliefs. Counsel contended that the discharge resulted from unlawful religious discrimination and an improper religious accommodation review process. The Applicant's DD214 reflected misconduct solely because their religious beliefs prevented them from complying with vaccine mandates, leading to disparate treatment and discrimination based on their faith.

The DRB determined that the Applicant willfully disobeyed a direct order to receive mandatory vaccinations, specifically influenza and varicella, even after the chain of command denied their religious exemption requests. Although the Applicant argued that the discharge was solely due to COVID-19 vaccine refusal, the Board found that their refusal extended to other essential vaccinations required for deployment and readiness.

Despite receiving a Letter of Reprimand, the Board observed that the Applicant's continued refusal constituted unacceptable conduct, compromising military readiness and unit cohesion. The Air Force's need for a fully deployable force was deemed paramount, providing a compelling basis for denying the exemption

request and upholding the discharge based on non-compliance with mandatory immunization orders. Therefore, the DRB found no evidence that the discharge was improper or inequitable.

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 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 “Honorable,” the narrative reason for separation shall remain “Unacceptable Conduct.” The DRB results were approved by the Presiding Officer on 28 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)

