

SUMMARY: The Applicant was discharged on 15 March 2023 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a Under Honorable Conditions (General) discharge for description of misconduct taken from DD 214. The Applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the separation code.

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 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 Reprimand for sexual assault.

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 to their characterization, narrative reason, and separation code. They claimed the allegations against them were not true and they took the conditional waiver release because they were not being heard. They stated their leadership could not prove anything and chose to ignore any guidance.

The Discharge Review Board (DRB) found no evidence of impropriety or inequity in the Applicant's discharge from the Air Force. The records showed that the Applicant had received a letter of reprimand for the sexual assault and was subsequently recommended for an administrative discharge from the Air Force for violating Article 120 of the Uniform Code of Military Justice (UCMJ). Although the Applicant did not face a court-martial, as the victim declined to participate in a trial, the victim did agree to testify at a discharge board hearing, a closed proceeding. The Applicant had the opportunity to present their case at the administrative discharge board but chose to waive their rights to the hearing in exchange for receiving a general service characterization. Furthermore, the Applicant also waived their right to submit statements on their own behalf, contradicting their claim that they accepted the waiver because they felt they were not being heard by their leadership.

The Applicant alleged that their leadership could not prove any wrongdoing and chose to ignore any guidance. However, the discharge package included a summary of the investigation conducted by the Office of Special Investigations (OSI), which detailed the acts between the Applicant and the victim(s). This

evidence supports the finding that the Applicant's discharge was a result of their own misconduct, rather than any impropriety or inequity on the part of the Air Force.

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 separation code.

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 “2B.” The DRB results were approved by the Presiding Officer on 27 December 2024. If desired, the Applicant can request a list of the Board members and their votes by writing to:

Air Force 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://afrbportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)