

**SUMMARY:** The Applicant was discharged on 10 June 2021 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Other Than Honorable Conditions discharge for Misconduct (Serious Offense). The Applicant appealed for an upgrade of their discharge characterization.

The Applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using Zoom on 10 September 2024. No witnesses were present to testify on the Applicant's behalf.

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 basis for the Applicant's discharge is as follows:

The Applicant unlawfully repeatedly struck Victim 1 in the face with his fists. After he stopped beating Victim 1, Applicant retreated but returned almost immediately with a knife. He brandished the knife as he approached and menaced Victim 1 and Victim 2, who came to Victim 1's aid. For this misconduct, the Applicant was punished under Article 15 of the UCMJ and his punishment consisted of a reduction to the grade of Senior Airman (E-4).

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 contended that they were discharged for the only instance of misconduct in their seven years of service. The Applicant did not allege impropriety or inequity in their discharge and did not provide any evidence or testimony to support such a claim. The Applicant seems to believe that his request should be granted because most of his service was otherwise honorable.

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 seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

**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. While the Applicant indicates that other than his misconduct, his service was otherwise honorable, this assertion alone is not sufficient to conclude there was an inequity or impropriety in the discharge. Therefore, the awarded characterization of service shall remain "Under Other Than Honorable Conditions," the narrative reason for separation shall remain "Misconduct (Serious Offense)," and the reenry code shall remain "2B." The DRB results were approved by the Presiding Officer on 4 Oct 24. 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)