

SUMMARY: The Applicant was discharged on 19 December 2019 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, a change to the discharge narrative reason, and a change to the reentry code.

The Applicant appeared and testified before the Discharge Review Board (DRB), with 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:

In an Offer for Alternative Disposition to Court-Martial agreement, the Applicant, then a Senior Airman, offered to accept nonjudicial punishment (NJP) under Article 15 of the UCMJ, and plead guilty to one specification of Article 92, Failure to Obey a Lawful Order, two specifications of Article 128, Assault Consummated by a Battery, and one specification of Article 129, Unlawful Entry, all crimes under the UCMJ. Additionally, as a condition of the agreement, the Applicant agreed to waive his right to an administrative discharge Board. The Applicant accepted NJP, with a punishment of reduction to the grade of Airman Basic and a reprimand.

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 had one act of indiscretion where they made an uncharacteristically bad decision, which led to their discharge. The Applicant contended that his service was otherwise exemplary as evidenced by many character statements, awards, and positive marks and remarks throughout his record.

The Applicant provided the following documents in support of their claim: Brief in support of upgrade, DD Form 214, *Certificate of Release or Discharge from Active Duty*, resume, reference letters, and a photo of the Applicant and their family.

During his testimony, the Applicant described his version of events that led to the misconduct for which he was discharged. He also indicated that while he did willingly accept alternative disposition of his case through administrative discharge, which required him to submit an unconditional waiver of an administrative discharge Board which resulted in a UOTHC discharge, that as a very junior Airman, he really did not have a clear sense of the implications of these decisions. The Applicant testified that he has persevered in the face

of his adverse discharge and described his positive post-service professional accomplishments, family life, and contributions to his community.

In considering the available evidence of record and the Applicant's testimony, the Board thoroughly 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. However, after a thorough review of the evidence of record, the Applicant's complete submission, and his testimony, the Board did not find a sufficient basis to grant the relief sought. The Board thoroughly considered the Applicant's testimony regarding the basis for the discharge and his view that he did not completely understand the implications of his decisions. The Board also thoroughly considered the Applicant's testimony as it related to his post-service adjustment and, while the Board recognizes the Applicant's efforts, his post-service accomplishments are not sufficient to overcome the discharge at this time.

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 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. 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 reentry code shall remain "2B." The DRB results were approved by the Presiding Officer on DATE. 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)