

SUMMARY: The Applicant was discharged on 26 April 2023 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with a General Discharge for Misconduct (Serious Offense). The Applicant appealed for an upgrade of their discharge characterization.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 03 October 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 for multiple assaults against a female Airman.

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 he was falsely accused of assaulting a woman whom he had broken off a relationship with. He submitted several documents that were considered during his administrative discharge processing that he claimed proved his innocence. He further claimed he served honorably, and the false allegations were preventing him from applying for school.

A review of the Applicant's record revealed he was punished under Article 15, UCMJ for assaulting a female Airman on several occasions. According to the Report of Investigation (ROI), the applicant was accused of chasing the female with a taser and on a separate occasion he chased her with a knife. He was also accused of shooting fireworks toward the female and biting her. The ROI contained photos of the female that revealed bruises on her legs from the alleged biting incident. The applicant adamantly denied all the allegations and claimed the female fabricated the incidents and lied to investigators. Furthermore, the applicant claimed the female was completely unreliable and submitted several character reference letters asserting the same. Subsequently, the command determined the evidence sufficiently substantiated the applicant committed the offenses and discharged the applicant with a General service characterization.

Although, in his application to the DRB, the Applicant continued to assert he was innocent of the allegations against him, the Board determined the applicant submitted the same evidence already considered by the command during his administrative discharge processing. Based on lack of any new evidence, the DRB determined there was no basis to disturb the existing record. In the absence of any new evidence in support of the Applicant's assertions, there is no basis for the Board to substitute its judgment for that of the discharge authority and grant the requested relief. Therefore, the DRB concluded there was no evidence of impropriety or inequity to warrant upgrading the Applicant's discharge.

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 his discharge characterization. The DRB also voted unanimously to *deny* changing the discharge narrative reason and changing 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, the narrative reason for separation shall remain, and the reentry code shall remain. The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 9 October 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)