

SUMMARY: The Applicant was discharged on 01 November 2021 in accordance with Air Force Instruction, 36-3207, Separating Commissioned Officers, with a General Discharge for Unacceptable Conduct. 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 09 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 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 an Article 15 for being involved in unprofessional relationships with two female officers.

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.

Through counsel, the Applicant contended his discharge was unjust. He claimed he served his country honorably and the evidence demonstrated his intelligence, hard work, and dedication to the mission of national safety. The Applicant acknowledged his mistake and accepted responsibility for his actions. The Applicant admitted to making a gross error in judgment in his personal life but continued his unwavering self-sacrifice to the Air Force at all times. Further, he contended the Air Force should have considered the totality of his service when deciding to discharge him and a cumulative and objective view of the evidence demonstrated that his request for relief should be granted.

A review of the Applicant's record revealed he was punished under Article 15, UCMJ for having an extramarital affair with two junior female officers, one being a subordinate. The Applicant also made a false official statement to his commander denying the misconduct. The command initiated administrative discharge action against the Applicant which entitled him to a Board of Inquiry (BOI). The Applicant subsequently submitted a conditional waiver waiving his right to a BOI in exchange for a General discharge. The command recommended the Applicant's conditional waiver be accepted and he be furnished a General discharge. The Applicant's case was adjudicated by the Air Force Personnel Board who made a recommendation to the Secretary's delegee, SAF/MRB. After a thorough consideration of the evidence of record, including the Applicant's complete military personnel record, command recommendations, and documentation relating to the recommendation for discharge, SAF/MRB accepted the Applicant's conditional waiver and directed his General discharge. In support of the Applicant's request to this board for

an upgrade of his discharge, the Applicant submitted several character reference letters from fellow officers as well as from his current civilian employer, all endorsing his request for a discharge upgrade.

The Applicant contended the command did not take into consideration the totality of his service when deciding to discharge him. The DRB took note of the Applicant's duty performance as documented by his performance reports, awards and decorations, and other accomplishments, all which were previously considered by both the command, the Air Force Personnel Board, and SAF/MRB, when considering his conditional waiver and subsequent discharge. The DRB found the seriousness of the Applicant's willful misconduct with junior/subordinate officers was detrimental to good order and discipline and offset the positive aspects of his service. Furthermore, the Applicant knowingly waived his right to present his case to a BOI, and instead waived this right conditioned on receiving a General service characterization. Therefore, while the applicant contends that his discharge characterization is improper because the totality of his service was not considered, the evidence before us suggests the opposite, that the Applicant's complete record of service was thoroughly considered by multiple echelons of command before the Secretary's delegee decided to accept the Applicant's conditional waiver and direct his administrative discharge with a General character of service.

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, to change the discharge narrative reason, and to change the separation 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 separation code shall remain. The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 09 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://afrbportal.azurewebsites.us>

Attachment: Examiner's Brief (Applicant Only)