

SUMMARY: The Applicant was discharged on 03 April 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Under Honorable Conditions (General) for Misconduct (Minor Infractions). The Applicant appealed for an upgrade of their discharge characterization and a change to the discharge narrative reason.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 16 January 2025. 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 DRB provided a notice to inform the service member of resources available to help answer their questions about the application process and/or to help them supplement their application, to include information on the types of evidence that can be submitted to support a claim; information regarding potential eligibility for mental health treatment and evaluation services offered by the Department of Veterans' Affairs (VA); general information regarding Veterans Service Organizations that may assist with DRB applications, and their right to retain counsel; a link to a database of legal services organizations that serve members of the military, veterans, and their families; the weblink to the VA's Directory of Veteran's Service Organizations; and information regarding reasonable accommodation requests from the DRB in the application and adjudication process.

The Applicant's record of service included the following documented misconduct leading up to their discharge:

- Article 15 for sleeping on post
- Letter of Reprimand for being late to work and being disrespectful toward a non-commissioned officer (NCO)
- Letter of Reprimand for making a false statement to an NCO; being disrespectful to three NCOs; being disrespectful to an NCO and senior non-commissioned officer (SNCO) by failing to verbally respond to their greetings and questions
- Letter of Counseling for failing to report to duty on time

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 did not submit any contentions.

The DRB determined the Applicant's discharge was proper and equitable. A thorough review of the

Applicant's administrative records revealed in their two years of service they violated standards several times, resulting in an Article 15, two letters of reprimands (LOR), and a letter of counseling (LOC) for misconduct and disrespecting their leadership. Per DAFI 36-3211, Military Separations, paragraph 7.38, members are subject to discharge for misconduct based on a "pattern of misconduct consisting solely of minor disciplinary infractions in the current enlistment such as failure to comply with non-punitive regulations or minor offenses under the Uniform Code of Military Justice (UCMJ). Due to these infractions, the Applicant was recommended for discharge with a Under Honorable Conditions (General) service characterization which was deemed legally sufficient due to the Applicant's multiple failures to follow standards, and the negative aspects outweighed the positive aspects of their military record.

The Applicant did not submit any contentions or evidence to support an impropriety or inequity in their discharge. DAFI 36-2023, *Secretary of the Air Force Personnel Counsel*, paragraph 3.2.4 "The DRB is not an investigative body and presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to overcome this presumption. The presumption of regularity dictates that, absent evidence to the contrary, commanders, supervisors, and other officials involved with an action acted fairly and in good faith. The Applicant bears the burden of providing evidence to overcome this presumption, and the board will only grant relief if it determines there is sufficient evidence to conclude the Applicant's discharge was not proper or equitable." Due to the lack of contentions and evidence, the DRB denied the Applicant's request to upgrade their service of characterization and narrative reason.

LIBERAL CONSIDERATION: Due to the Applicant's contentions or evidence of a mental health diagnosis and/or experiences of sexual assault or sexual harassment and/or records documenting that one or more symptoms of mental health conditions and/or experiences of sexual assault or sexual harassment existed/occurred during military service found in the Applicant's record, the Board considered the case based on the liberal consideration (LC) standards required by guidance from the Office of the Under Secretary of Defense for Personnel and Readiness and 10 USC §1553. The Board included a member who is a physician, clinical psychologist, psychiatrist or social worker with training on mental health issues connected with post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI) or other trauma. Specifically, the Board reviewed the four questions the Under Secretary of Defense provided that Boards should consider when weighing evidence in requests for modification of discharges due in whole or in part to mental health conditions, including PTSD; TBI; sexual assault, and sexual harassment.

Although the Applicant checked the boxes for "other mental health" and "sexual assault/harassment" on the application, the Applicant did not provide any additional information regarding their request for relief from the board. The Applicant submitted their response to the administrative discharge memorandum but provided no other information or testimony regarding a mental health claim or experience of sexual assault/sexual harassment. The burden of proof is upon the Applicant to substantiate any claims made to the board. Based on the information provided by the Applicant there is no evidence the Applicant intended to claim or substantiate a nexus between a mental health condition or in-service experience of sexual assault/harassment and an impropriety or inequity in their 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 2 to 1 to **deny** the Applicant's request to upgrade their discharge characterization and voted unanimously to **deny** changing the discharge narrative reason.

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 (Minor Infractions)," and the reentry code shall remain "2B." The DRB results were approved by the Presiding Officer on 5 February 2025. 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, MD 20762-6435

Instructions on how to appeal an AFDRB decision can be found at
<https://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)