

SUMMARY: The Applicant was discharged on 05 August 2024 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Under Honorable Conditions – (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 20 February 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 Applicant's record of service included the following documented misconduct leading up to their discharge:

- Article 15 for derelictions of duty failure to refrain from entering female barracks naked intentionally exposing genitalia in an indecent manner.
- Letter of Reprimand for dereliction of duty failure to register firearms & committed violent offense by grabbing their spells by the front of the shirt with their hand.

The documentary evidence the Board considered as part of the review includes, but was 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 claimed that they were found guilty of a violation of Article 128B of the UCMJ following a biased investigation conducted by their unit, and that evidence suggested that a guilty verdict was prematurely reached before the investigation was completed, which ultimately led to the charges filed. The Applicant asserted that this flawed process resulted in an unjust guilty verdict, which in turn led to their receiving a general discharge.

The DRB determined that the serious nature of the offenses, combined with the lack of evidence supporting the Applicant's claims, warranted the denial of their request. The DRB found the indecent exposure admission in and of itself sufficient for a less than honorable discharge, and while the Applicant denied the domestic violence allegations, the Board considered them credible enough to warrant their decision, especially given the US government's assumption of jurisdiction. The Board also found the Applicant's claims of a biased investigation unsubstantiated, emphasizing that their reliance on personal statements over concrete evidence was insufficient to challenge the official findings. Finally, the DRB rejected the Applicant's misunderstanding that a civilian court dismissal prevented military consequences, clarifying the distinct standards governing administrative discharges.

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 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.

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

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 (Serious Offense),” and the reentry code shall remain “4H.” The DRB results were approved by the Presiding Officer on 3 March 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

Attachment:
Examiner's Brief (Applicant Only)