

SUMMARY: The Applicant was discharged on 26 July 2021 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions (General) Discharge for Misconduct (Minor Infractions). 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 April 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:

- Vacation of suspended nonjudicial punishment for violation of the UCMJ, Article 92
- Article 15 for wrongfully possessing alcohol underage and vaping in the dorms
- Letter of Reprimand for being late to four mandatory formations/appointments
- Letter of Counseling for disrespecting a noncommissioned officer

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 stated they had infractions but believe their First Sergeant had a disproportionate focus on their actions. They stated the Shirt was removed from their position for making racist jokes, which the Applicant raises concerns about fairness of the disciplinary actions they faced.

The DRB determined the Applicant's discharge to be proper and equitable. A review of the Applicant's records revealed they received five disciplinary corrective actions during their nine months time in service which included an Article 15 and a vacation of suspended punishment. These actions allowed the Applicant ample time to correct their misconduct which they failed to do so. The Applicant contends unfair treatment, but did not provide any evidence to support their contentions. Per 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." Therefore, the DRB denied the Applicant request to change their 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 their discharge Characterization.

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 9 April 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)