

SUMMARY: The Applicant was discharged on 20 December 2021 in accordance with Air Force Instruction, 36-3207, Separating Commissioned Officers, with an Under Honorable Conditions (General) for unacceptable conduct. 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 27 March 2025. 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 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 did not include any documented misconduct leading up to their discharge.

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 Counsel on behalf of the Applicant is requesting an upgrade due to their court martial conviction charges being dismissed and that all rights and privileges of the Applicant be restored. They contend there is no basis for their discharge due to the overturned conviction which resulted from illegal and unlawful command influence. The Counsel stated the Applicant's administrative discharge board occurred while they were absent violating their right to administrative due processing.

The Discharge Review Board (DRB) determined the Applicant's discharge was proper and equitable. A review of the Applicant's records revealed a pattern of misconduct inconsistent with Air Force core values, resulting in the court-martial charges. The DRB acknowledges the Appeals Court found actual and apparent unlawful command influence (UCI) in the accusatory phase of the court-martial, leading to the dismissal of charges without prejudice. The DRB noted the Applicant's legal board documents indicate they chose not to attend the Board of Inquiry (BOI) but opted for representation by appointed counsel contradicting the Applicant's claim of being denied the opportunity to appear in person. In addition the legal review documents annotated consideration was given to the overturned conviction, which resulted in an Under Honorable Conditions (General) discharge rather than an Under Other Than Honorable Conditions (UOTHC) discharge. Based on these findings and the lack of evidence refuting the misconduct, the DRB denied the Applicant's request for an upgrade and a change to the narrative reason.

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 and to change 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 “Unacceptable Conduct,” and the reentry code shall remain “N/A.” The DRB results were approved by the Presiding Officer on 4 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)