

SUMMARY: The Applicant was discharged on April 5, 2018 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Other than Honorable Conditions Service Characterization for In Lieu of Trial by Court-Martial. The Applicant appealed for an upgrade of their Service Characterization.

The Applicant requested the Board be completed based on a Record Review. The Board was conducted on July 22, 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:

- Letter of Reprimand for allowing a pet to damage base housing
- Letter of Counseling for showing up to work late (two times)
- Letter of Counseling for late duty reporting

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 are requesting a change to their character of service to try to receive VA benefits.

The DRB determined the discharge was proper and equitable. A review of the Applicant's records revealed the Commander preferred one case and specification against the Applicant for committing a sexual act upon a child over the age of 12 years but under the age of 16 years, in violation of Article 120b, UCMJ. The Applicant requested discharge in lieu of trial by general court martial which was approved. They did not provide any contentions or supporting documents in favor of an upgrade. The DRB found no evidence of impropriety or inequity to warrant an upgrade of the discharge. The Board understood the Applicant's present service characterization renders them ineligible for Department of Veteran Affairs education benefits. However, this is not a matter of inequity or impropriety which would warrant an upgrade.

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 AND 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. The DRB voted unanimously to *deny* the Applicant's request. Therefore, the awarded Service Characterization shall remain "Under Other than Honorable Conditions," the Narrative Reason for separation shall remain In Lieu of Trial by Court-Martial, and the Reentry Code shall remain 2B. The DRB results were approved by the Presiding Officer on July 30, 2025.

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://afrbportal.azurewebsites.us>

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)