

SUMMARY: The Applicant was discharged on August 6, 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 and a change to the Narrative Reason for separation (SPD).

The Applicant requested the Board be completed based on a Record Review. The Board was conducted on November 04, 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 stated the Air Force committed an error of discretion in discharging the Applicant with an Under Other Than Honorable Conditions (UOTHC) service characterization. They stated the Applicant's discharge stemmed from an accusation of misconduct, specifically sexual assault, that lacked clear, corroborating evidence. The counsel stated the lack of fully substantiated evidence and the Applicant's record of service emphasized that the UOTHC characterization was disproportionate and improper under the circumstances. Since discharge the Applicant is currently working as an IV tech and has volunteered as a Crisis Text Line counselor.

The DRB determined the discharge was proper and equitable. While the Board lacked full access to the Applicant's discharge package, the administrative records reviewed indicated the Applicant received a referral evaluation for failing to meet expectations by engaging in sexual intercourse with a partner significantly impaired by alcohol. The Applicant accepted a discharge in lieu of court martial and did not provide substantial evidence to overcome the presumption of regularity. Therefore, the Board denied the Applicant's request to upgrade the Service Characterization and a change to the Narrative Reason for separation (SPD).

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 November 5, 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://afrbaportal.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)