

SUMMARY: The Applicant was discharged on November 21, 2022 in accordance with Air Force Instruction, 36-3207, Separating Commissioned Officers, with an Under Other than Honorable Conditions Service Characterization for Unacceptable Conduct. The Applicant appealed for an upgrade of their Service Characterization, a change to the Narrative Reason for separation, and a change to the Reentry Code.

The Applicant requested the Board be completed based on a Record Review. The Board was conducted on 11 September 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 included the following documented misconduct leading to their discharge:
-Letter of Reprimand for Wrongful possession of Child pornography.

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, through counsel, contended that despite having a successful and productive military career, they were administratively discharged by the United States Air Force while pending civilian criminal charges. The Air Force rushed the separation process and refused to delay action until the resolution of the criminal case. Subsequently, all charges related to child pornography were dropped by the Commonwealth of Virginia, and the Applicant was never prosecuted or convicted. The Applicant asserted that they had served honorably prior to the allegations and that the discharge was inequitable and unjust given the eventual dismissal of the charges.

The DRB determined The record contained substantiated findings from the commander, OSI investigation, and Board of Inquiry indicating wrongful possession/distribution of child pornography tied to the Applicant's IP and KIK Messenger accounts. The court documents provided by the Applicant should they entered a plea deal for delinquency of a minor and was required to register as a sex offender. This outcome validated the preponderance of evidence standard used in administrative separations. The Applicant claimed the Air Force rushed separation before the resolution of civilian charges. The Board concluded that administrative actions are not contingent upon civilian outcomes; the administrative process was legally sufficient, and there were no procedural errors or improprieties identified. The Board found the discharge to be proper and equitable. The seriousness of the misconduct outweighed the Applicant's contentions and prior honorable service. Therefore, the characterization of Under Other Than Honorable Conditions for Unacceptable Conduct remained unchanged.

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 Honorable Conditions (General) and the Narrative Reason for separation shall remain Unacceptable Conduct. The DRB results were approved by the Presiding Officer on September 26, 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)