

SUMMARY: The Applicant was discharged on March 7, 2024 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, 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 November 13, 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 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 Applicant is requesting a discharge upgrade, arguing that their actions leading to their discharge do not reflect their entire active-duty service. They acknowledge responsibility for those actions but highlight significant achievements since leaving the military, to include securing a data analyst position at an Energy Corporation, earning a master's degree, playing semi-pro football, and becoming the owner and head coach of a non-profit semi-pro football team. The Applicant also noted that the VA considered 13 of their 14 years of service to be honorable.

The DRB determined the discharge was proper and equitable. The Applicant faced charges of dereliction of duty, maltreatment, and assault. To avoid court-martial, they requested and received a discharge in lieu of trial, which was approved with the UOTHC characterization. While the Applicant acknowledged responsibility on the DD Form 293, they later denied the allegations in their personal statement but failed to provide supporting documentation to overcome the presumption of regularity. The DRB was unable to consider Wilkie Factors due to a lack of documentation regarding the Applicant's post-service accomplishments. The Board clarified that the Department of Veteran's Affairs (VA) operates under separate laws and may provide compensation for service-connected medical conditions regardless of the discharge characterization or its impact on the member's fitness for duty. Therefore, the VA's actions do not influence the DRB's determination. Consequently, the DRB denied the request for a discharge upgrade. The Board strongly recommends the Applicant apply for a personal appearance hearing.

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 two to one 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 15, 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)