

SUMMARY: The Applicant was discharged on March 20, 2015 in accordance with Air Force Instruction 36-3209, Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members, with an Under Other than Honorable Conditions Service Characterization for Misconduct-Civilian Conviction. 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 26 February 2026. 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 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 states in 2014 they received an Under Other Than Honorable Conditions discharge following a civilian conviction in California. Since that time, significant legal developments have occurred. They state a restraining order was dismissed in 2015, and the following year, they and the individual involved were married and have since started a family. In 2022, they retained legal counsel to address an outstanding warrant related to the case. The warrant was successfully withdrawn, and the case was ultimately dismissed, their plea was vacated, and the conviction removed from their record. They served honorably in the military and made significant efforts to rebuild their life. Given the dismissal of the charges and their post-service conduct, they respectfully request consideration for a discharge upgrade.

Upon review of the Applicant's service record, the Board could not find any documentation regarding the discharge. Since the Board relies on the presumption of regularity, it concluded the discharge received by the Applicant was appropriate. Further, the Applicant indicated in his application that they included civilian court case documentation to strengthen their request for upgrade; however, the documentation was not initially received by the Board. The Board requested documentation from the Applicant and counsel but never received it.

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 Misconduct- Civilian Conviction, and the Reentry Code shall remain 6H. The DRB results were approved by the Presiding Officer on February 27, 2026.

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)