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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2019-00020 |
| GENERAL: The applicant was discharged on 12 Nov 2009 in accordance with AFI 36-3208 with a(n) General discharge for Misconduct (Drug Abuse). The applicant appealed for an upgrade of his discharge characterization to Honorable and a change to the reenlistment eligibility code.  The board was conducted on 05 Feb 2020.  The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using VIDYO Cloud Connect between Joint Base Andrews, MD, and applicant’s home address on 05 Feb 2020. No witnesses were present and testified on the applicant’s behalf.  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.    FINDING: The DRB voted 3 to 2 to *deny* the applicant’s request to upgrade his discharge characterization to Honorable, to change the discharge narrative reason to *Secretarial Authority* and to change the reenlistment eligibility code to 3K.  DISCUSSION: The 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 reenlistment eligibility 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 one Article 15 for wrongful use of marijuana.  The applicant made no contentions that the discharge was inequitable/improper. The applicant contended his one-time use of marijuana did not warrant a General discharge. The applicant believed he deserved a second chance despite his misconduct in order to have the opportunity to serve in the military again. He states that during a work event another Airman showed him a bag containing marijuana and was offered some but he initially declined. He also admits that he had been intoxicated during this time and received a ride from someone else. Later that day, he found himself in the company of the Airman with the bag of marijuana and eventually took a hit of the substance. He realized his mistake and left to go back to his residence. He states that he was caught at the gate with the marijuana because the other Airman left the duffel bag in his car, which contained his car keys. The applicant was on his way to give the keys back but was searched instead. He was also ordered to take a drug test, which he failed. He contends that this was his first mistake in the military.  After reviewing the service record, the DRB found no evidence to indicate the applicant was unaware of the Air Force policy of zero tolerance for illegal drug use. The DRB recognized the applicant served a little over 1 year before the discharge was initiated and reviewed the entire service record, but concluded the administrative actions of the discharge and the seriousness of the applicant’s willful misconduct offset the positive aspects of his service. The DRB was pleased to see the applicant has been successful since leaving the Air Force. However, the board reviewed the applicant’s entire service record and found no evidence of impropriety or inequity to warrant any changes to the discharge.  If the applicant can provide additional information to substantiate his contentions, such as character letters, the board recommends he exercise the right to appeal the DRB’s decision to the Air Force Board for Correction of Military Records.  CONCLUSION:  The board found insufficient evidence of an inequity or impropriety that would warrant a change to the applicant’s discharge. Therefore, the discharge received by the applicant was deemed to be appropriate and his request was not approved.  The DRB results were approved by the board president on 2 Apr 2020. 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, NAF Washington, MD 20762-6602  Attachment: Examiner's Brief (Applicant Only) | |
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