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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2019-00040 |
| GENERAL: The applicant was discharged on 10 Sept 09 in accordance with AFI 36-3208 with a General discharge for Misconduct Drug Abuse. The applicant appealed for an upgrade of his discharge characterization to Honorable, a change to the discharge narrative reason, and a change to the reenlistment eligibility code. The board was conducted on 13 Jun 19.  The applicant was offered a personal appearance before the Discharge Review Board (DRB), but declined and requested the board be completed based on a records only review. 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.    FINDING: The DRB voted unanimously 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. His misconduct included: purchase and use of oxycodone.  The applicant’s council contended the discharge was improper due to procedural defect in that it did not allow the member time to overcome the deficiencies. He also contended the discharge was inequitable because the events that took place are no longer relevant in the Applicant’s life and he has lived in a responsible manner since this incident.  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 and probation and rehabilitation are not automatic in drug cases. The board found the negative aspects of the applicant’s willful misconduct outweighed the positive aspects of his military 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.  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 24 Jun 19. 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  1500 West Perimeter Road, Suite 3700  Joint Base Andrews, NAF Washington, MD 20762-6602  Attachment: Examiner's Brief | |