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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2019-00078 |
| FOR BCDs: The applicant was discharged on 26 Aug 11 with a Bad Conduct Discharge after being convicted of a drug-related offense during a Special Court-Martial.  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 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.    FINDING: The DRB voted unanimously to deny the applicant’s request to upgrade his discharge characterization to Honorable.  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 Special Court Martial. His misconduct included wrongful use of Oxytocin and wrongful use of Heroin.  The applicant contended the discharge was improper because the applicant insists that he self-identified prior to the discovery of his substance abuse issues and he was compliant with all his treatment. The board reviewed the applicant’s record and found all required procedures were followed, to include procedures leading to the punishment of applicant under the SPCM: the applicant did not self-identify for a referral for to a drug treatment program until the applicant learned he was selected for urinalysis testing. The board found no evidence to justify making any changes to the discharge.  CONCLUSION: The DRB concluded the applicant’s punitive discharge by a Special Court-Martial was appropriate based on the facts and circumstances of the case and there was no sufficient basis, as an act of clemency, to change the discharge.  The DRB results were approved by the board president on 29 Aug 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 | |