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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2019-00108 |
| GENERAL: The applicant was discharged on 26 Feb 18 in accordance with AFI 36-3208 with a General discharge for Misconduct (Minor Infractions). The applicant appealed for an upgrade of his discharge characterization to Honorable. The board was conducted on 20 Aug 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 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 Article 15 for wrongful possession of marijuana.  The applicant contended the discharge was inequitable because there was a lack of evidence during the non-judicial punishment proceedings. The board reviewed the applicant’s record and found all required procedures were followed, to include the procedures leading to the punishment of applicant under Article 15 of the UCMJ. The board also found that no inequity existed because the commander could have reasonably determined that a preponderance of evidence indicated that applicant possessed marijuana thereby justifying the applicant’s punishment under Article 15 of the UCMJ. This in turn provided an adequate basis to find that applicant should be discharged from the Air Force with General discharge service characterization. The board determined there was a lack of evidence from the applicant to justify an upgrade to his characterization.  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 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 | |