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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2019-00259 |
| GENERAL: The applicant was discharged on 12 Apr 13 with a Bad Conduct Discharge after being convicted of a drug-related offense during a Special Court-Martial. The applicant appealed for an upgrade of his discharge characterization to General. The board was conducted on 7 Jan 20.  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 General.  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 without authority, absent himself from his unit; and with intent to deceive, made a false official statement to Senior Non-Commissioned Officer. The applicant was found guilty by a Special Court-Martial for with intent to deceive, made a false official statement to Air Force Office of Special Investigation agents; wrongful use of marijuana; wrongful distribution of some amount of marijuana; and wrongful possession of marijuana.  The applicant made no contentions that the discharge was inequitable or improper. He acknowledges his misconduct and believes that he earned the disciplinary action received. The applicant states that he has changed his life and is no longer the individual who made those mistakes. The applicant has chosen to live his life as a Christian and even attempted to reach out to the Airman he hurt during the court-martial process. The applicant states that he has been employed in the HVAC career field for the past six years and has grown in the field. The applicant submitted his HVAC certificates, organ donation, baptism, academic achievements, and completion of training for a concealed carry fire arm course. The applicant is requesting the upgrade in order to obtain a concealed carry handgun license.  Upon review of an applicant’s Bad Conduct Discharge as adjudged by a Special Court-Martial, the DRB may change the punitive discharge to an administrative discharge for the purposes of clemency, if warranted. The DRB reviewed the applicant’s entire service record and found insufficient evidence to grant the applicant’s request. The board found the negative aspects of the applicant’s willful misconduct outweighed the positive aspects of his military service. The characterization of the discharge received by the applicant was deemed to be appropriate.  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 10 Feb 20. 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 | |