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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2019-00391 |
| The applicant was discharged on 14 Jul 2015 in accordance with AFI 36-3207 with an Under Other Than Honorable Conditions discharge for Unacceptable Conduct. The applicant appealed for an upgrade of his discharge characterization to Honorable. The board was conducted on 19 Feb 2020.  The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Joint Base Andrews, MD, on 19 Feb 2020. Witnesses were present and testified on the applicant’s behalf. The following additional exhibits were submitted at the hearing: multiple character reference letters, letter from Tyler Eppes, post-service life transcript, and prescription slips.  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 4 to 1 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.  While deployed to Africa, the applicant purchased medications at off base pharmacie(s) upon the request of his friend, and OSI Special Agent, and then transported the medications on military aircraft, and mailed them to the OSI Special Agent upon return to the United States. The applicant had court-martial charges preferred against him for conspiracy to obtain controlled substances, and possession, transportation and distribution of controlled substances. Due to a ruling at the court-martial regarding admissibility of his interview with OSI, the military judge dismissed the charges. After the charges were dismissed, the command issued the applicant a Letter of Reprimand and initiated discharge proceedings, and a Board of Inquiry (BOI) was convened. The BOI found the applicant conspired to obtain controlled substances, possessed, transported in military aircraft, and distributed the controlled substances, and recommended he be discharged with a UOTHC service characterization.  The applicant, through counsel, contended the discharge was inequitable and improper. Counsel asserts that the applicant had 19 years of exemplary service and unknowingly trusted an OSI Special Agent, who convinced him to buy and transport controlled substances. Counsel also contends the applicant’s discharge should be upgraded due to a legal and procedural error that occurred at his BOl. Specifically, he contends a substantial portion of the applicant’s statement to OSI was involuntary, and was introduced into evidence and considered by the BOI, over the objection of counsel, denying the applicant of a fair hearing. The basis for discharge under AFI 36-3206, paragraph 3.2 was found legally sufficient, including the decision to admit part of the applicant’s OSI interview. The applicant was subsequently approved for a UOTHC discharge for misconduct.  The DRB determined the administrative actions taken by the chain of command in this case were proper and legally sufficient, and did not prejudice the applicant’s substantive rights. The DRB reviewed the applicant’s entire service record and concluded the applicant’s misconduct was a significant departure from the conduct expected of all military members and outweighed positive aspects of his military service. The characterization of the discharge received by the applicant was therefore deemed to be appropriate.  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 27 Feb 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) | |