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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2019-00412 |
| GENERAL: The applicant was discharged on 17 May 2016 in accordance with AFI 36-3208 with a(n) General discharge for Misconduct (Drug Abuse). The applicant appealed for an upgrade of his discharge characterization to Honorable. The board was conducted on 17 Oct 2019.  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.  Pursuant to 10 USC §1553, the board included a member who is a psychiatrist/ psychologist with training on mental health issues connected with post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI), and training on mental health disorders.  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, and several Letters of Reprimand and Counseling for wrongful use of oxycodone, dereliction of duty and absent without leave.  Due to evidence of mental health condition/s found in the applicant’s medical record, the board considered the case based on the liberal consideration standards required by guidance from the Office of the Under Secretary of Defense for Personnel and Readiness and/or 10 USC §1553.  The applicant made no contentions that the discharge was inequitable/improper. The applicant states that his Unit commander recommended an Honorable discharge but it was overruled by the Base commander. He contends that he served honorably during his time since he completed his upgrade training ahead of time and received several awards/decorations. The applicant insists that he has been drug free since completing his rehab and has been successful post-service.  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. The board also recognized the applicant served a little over 3 years before the discharge was initiated and took note of the applicant's duty performance as documented by his performance reports, awards and decorations, and other accomplishments. The DRB determined that, through the administrative actions taken by the chain of command in this case, the applicant had ample opportunities to change his negative behavior. The board 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. It found the seriousness of the applicant’s willful misconduct offset the positive aspects of his service.  After a thorough review of the service record and input from the board’s psychiatrist/ psychologist, the DRB found that the applicant’s mental health condition was not a mitigating factor to the applicant's misconduct, and it could not completely explain or excuse the misconduct sufficiently to warrant upgrading 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 7 Apr 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 (Applicant Only) | |