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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2019-00422 |
| GENERAL: The applicant was discharged on 18 Jan 2018 in accordance with AFI 36-3208 with a(n) Entry Level/Uncharacterized discharge for Fraudulent Entry. The applicant appealed for an upgrade of his discharge characterization to Honorable, a change to the discharge narrative reason to “Convenience of the Government”, and a change to the reenlistment eligibility code in the 1J series. 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 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, to change the discharge narrative reason to *Secretarial Authority* and to change the reenlistment eligibility code to 3K.  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 and counsel contended the discharge was improper because the applicant did not intend to fraudulently enlist and requested his uncharacterized Entry Level Separation be “upgraded” to Honorable. They state that he was drug free when he completed his enlistment documents. They insist that he did not understand the implications of his answers and had no intent to deceive. They contend that the applicant should have the ability to be granted a security clearance since his past drug use is no longer a threat to national security or at risk of being blackmailed. The applicant and counsel believe that he has shown his ability to be rehabilitated, and is requesting to return to his unit or another 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 found the negative aspects of the applicant’s willful misconduct outweighed the positive aspects of his military service.  In accordance with AFI 36-3208, Airmen are in entry level status during the first 180 days of continuous active military service. If separated during this time, they normally receive an Entry Level Separation that is not characterized. Because it is Air Force policy to not characterize this type of separation, the applicant’s request to “upgrade” it to Honorable could not be approved.  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 only has the authority to change a narrative reasoning to “Secretarial Authority” and cannot change reenlistment codes in the 1-series.  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) | |