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|  **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT**  | CASE NUMBER FD-2019-00590 |
|  GENERAL: The applicant was discharged on 27 Jun 2014 in accordance with AFI 36-3208 with a(n) General discharge for Misconduct (Drug Abuse). The applicant appealed for an upgrade of her discharge characterization to Honorable, a change to the discharge narrative reason, and a change to the reenlistment eligibility code. The board was conducted on 31 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 *approve* the applicant’s request to upgrade her discharge characterization to *Honorable*, to change the discharge narrative reason to *Secretarial Authority* and to change the reenlistment eligibility code to *2C*.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 an Article 15, a Letter of Admonition and a Letter of Counseling. Her misconduct included: wrongfully using marijuana. Due to evidence of traumatic brain injury (TBI) / 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 and counsel contends that the discharge was inequitable/improper. The applicant had injured her head and was diagnosed with a condition that would alter her entire life and would impact her ability to continue service. Due to the diagnosis, she experienced migraine headaches, depression and anxiety. These caused her to have trouble sleeping, inability to exercise, stress related mental and physical changes. She was placed on a number of medications to control the symptoms. However, after a couple years of dealing with constant pain and missed diagnosis, she was desperate for relief and heard about the positive research with cannabis. She was later overheard by another member discussing this single use and the impact on her pain, leading to it being reported through her chain. The applicant made no attempt to conceal what occurred and accepted full responsibility for her actions. Her counsel contends impropriety due to applicant’s command committing an error during the course of the discharge by finding that the retention would be inconsistent with the maintenance of good order and discipline. This is based on the fact the applicant never had a prior urinalysis and didn’t have the general signs and symptoms with a proclivity to abuse drugs. Also, they contend that even a rudimentary investigation would have discover the applicant’s ongoing medical issues and desire to control the pain she was experiencing. Her counsel contends inequity in that it was clearly an excessive punishment given the nature of this single incident. She frequently visited various medical assistance and tried all prescribed medication given to her to relieve her pain, but did not find the relief she needed to function. Her career and duty performance was blemish free and she had stellar evaluations prior to her injury and her single poor decision should not justify the final action resulting in the characterization of service given to the applicant. CONCLUSION: The board found neither the evidence of record, nor that provided by the applicant substantiated an impropriety. However, sufficient evidence existed to convince the board the discharge was inequitable due to capability to serve. Therefore, the board determined the overall characterization of the applicant’s service was more accurately reflected by an Honorable discharge, the narrative reason was more accurately described as “Secretarial Authority.” Additionally, the reenlistment eligibility code was changed to “2C”.The DRB results were approved by the board president on 23 Apr 20. If desired, the applicant can request a list of the board members and their votes by writing to: Air Force Review Boards AgencyAttn: Discharge Review Board3351 Celmers LaneJoint Base Andrews, NAF Washington, MD 20762-6602 Attachment:Examiner's Brief (Applicant Only) |