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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2020-00372 |
| The applicant was discharged on 15 May 2013 in accordance with AFI 36-3208 with a General discharge for Misconduct (Drug Abuse). The applicant appealed for an upgrade of his discharge characterization to Honorable, a change to the discharge narrative reason, and a change to the reenlistment eligibility code. The board was conducted on 18 Jun 2020.  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, to change the discharge narrative reason, and to change the reenlistment eligibility code.  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.  A review of the service record indicated the applicant was tried at a special court-martial on one charge and specification of wrongful use of cocaine. He was sentenced to reduction to E-1, 45 days confinement, forfeitures, restriction to base, and hard labor without confinement. He was subsequently administratively discharged with a General discharge. The Applicant contends that he was already punished through court-martial for his drug use and that he was not afforded the opportunity to prove himself before he was discharged. He claims he was a good Airman prior to the drug use and that it was a one-time incident during a tough time in his life. He requests an upgrade in order to have access to educational benefits.  A thorough review of the medical record revealed no records that the applicant received any mental health treatment in service, nor did he submit any records to corroborate his contention that he had a mental health condition. Therefore, the DRB determined there is insufficient evidence a mental health condition mitigated his misconduct leading to his discharge from service. Furthermore, 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.  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 24 Jun 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) | |