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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2020-00575 |
| GENERAL: The applicant was discharged on 21 May 10 in accordance with AFI 36-3208 with a General discharge for Misconduct (Drug Abuse). The applicant appealed for a change to the reenlistment eligibility code. The board was conducted on 17 Sep 20.  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.  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 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’s record of service included one Article 15, and one Letter of Counseling. His misconduct included: wrongful use of spice; and with intent to deceive, made a false statement.  The applicant contended the discharge was inequitable because he admitted to using a legal substance and did not possess or test positive for the substance that led to the discharge. The applicant states he has maintained a clean record, is older and wiser, and is requesting the change so that he can return to military 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.  CONCLUSION: The board found insufficient evidence of an inequity or impropriety that would warrant a change to the applicant’s reenlistment eligibility code. Therefore, the reenlistment eligibility code 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 2 Oct 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) | |