

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2022-00369
<p>SUMMARY: The applicant was discharged on 19 February 2019 in accordance with Air Force Instruction 36-3208, <i>Administrative Separation of Airman</i> with a “General” after “Misconduct (Drug Abuse).” The applicant appealed for an upgrade of his discharge characterization, a change to the discharge narrative reason, and a change to the reenlistment eligibility (RE) code.</p> <p>The applicant appeared and testified before the Air Force Discharge Review Board (AFDRB), with counsel, via video teleconference using Zoom on 16 May 2023. No witnesses were present to testify on the applicant’s behalf.</p> <p>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.</p> <p>DISCUSSION: The AFDRB, 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.</p> <p>The applicant’s record of service included an Article 15. His misconduct included wrongful distribution of marijuana.</p> <p>The documentary evidence the Board considered as part of the review includes, but is not limited to the DD form 293, <i>Application for the Review of Discharge from the Armed Forces of the United States</i> and any additional documentation submitted by applicant and/or counsel; the applicant’s personnel file from the Automated Records Management System (ARMS); and the DRB Brief detailing the applicant's service information and a summary of the case.</p> <p>The applicant requested an upgraded discharge. The applicant stated his discharge was inequitable. He stated that the Air Force proved he never used drugs. The applicant denied using drugs or paraphernalia in his home, car, or person. He indicated his urinalysis showed no evidence of drug use, and his purchase of marijuana was legal under state law.</p> <p>The DRB reviewed the applicant’s entire service record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge. Although the applicant may have not used marijuana, according to his service record, he did possess and distribute it. In accordance with DAFI36-3211 <i>Military Separations</i>, paragraph 7.43.1, Drug abuse as a reason for discharge is defined as the illegal, wrongful, or improper use, possession, sale, transfer, or introduction onto a military installation of any drug. Therefore, the applicant’s reason for discharge is proper and equitable. The discharge received was deemed appropriate.</p> <p>FINDING: The board voted unanimously to <i>deny</i> the applicant’s request to upgrade his discharge characterization to “Honorable,” to change the discharge narrative reason to “Secretarial Authority,” and to change the RE code to “2C” or “3K.”</p> <p>Should the applicant wish to appeal this decision, the applicant must seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, <i>Air Force Board for Correction of Military Records</i>.</p>	

CONCLUSION: After a thorough review of the available evidence, to include the Applicant's issues, summary of service, service/medical record entries, and discharge process, the Board found the discharge was proper and equitable. Therefore, the awarded characterization of service shall remain "General," the narrative reason for separation shall remain "Misconduct (Drug Abuse)," and the reentry code shall remain "2B." The AFDRB results were approved by the board president on 14 June 2023. 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

Instructions on how to appeal an AFDRB decision can be found at
<https://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)