

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

SUMMARY:

The applicant was discharged on 01 May 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with a General discharge for 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 reentry code.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, via video teleconference using Zoom on 12 December 2023. No witnesses were present to testify on the applicant's behalf.

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.

DISCUSSION: The Discharge Review Board (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 documentary evidence the Board considered as part of the review includes but is not limited to the DD Form 293, *Application for the Review of Discharge from the Armed Forces of the United States*, 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.

The applicant, through counsel, contended the discharge was inequitable and improper because the command failed to provide them with the necessary information for the separation action, which included the evidence supporting the basis for discharge. As a result, they could not properly respond to the allegations against them. The applicant insisted that he had no knowledge of using the drug in question. Without the necessary evidence to support the grounds for the discharge, such as proof that the urine sample was properly transported and not contaminated, or confirmation that the machine's calibration was correct, he would be unable to mount a strong defense to prove his innocence of the alleged misconduct. In addition, counsel contended that the applicant's overall service and post-discharge conduct in support of an honorable characterization.

The DRB found no evidence of impropriety or inequity that would warrant an upgrade to the discharge. The Board recognized that there was an error within the discharge process, but it was not prejudicial, and would not have had an effect on the outcome. When questioned by the investigator, the applicant claimed the positive urinalyses must have been the result of using his friend's vape pens, however the applicant indicated that he didn't make the connection to his pattern of social behavior until after the fourth positive urinalysis.. If it was indeed an incidental ingestion, the applicant should have reflected on his past choices and habits to determine the culprit. When coupled with the four positive drug tests that exhibited a rise in levels, it becomes challenging to attribute the situation to mere mishandling. The frequency of these incidents

spanning over a year indicates a pattern of intentional wrongdoing. Though errors were made during the discharge process, it would not have affected the outcome of his discharge. The discharge received by the applicant was deemed appropriate.

FINDING: The DRB voted unanimously to *deny* the applicant's request to upgrade his discharge characterization and to change the discharge narrative reason. It voted 2 to 1 to *deny* a change to the reentry code.

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, *Air Force Board for Correction of Military Records*.

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 "Drug Abuse," and the reentry code shall remain "6H." The Air Force DRB (AFDRB) results were approved by the presiding officer on 21 September 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://afrbportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)