

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT</b>	CASE NUMBER <b>FD-2023-00482</b>
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**SUMMARY:**

The applicant was discharged on 01 November 2022 in accordance with 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.

The applicant was not represented by counsel.

The applicant requested the board be completed based on a records only review. The Board was conducted on 15 February 2024.

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 reentry 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 for wrongful use of marijuana and failure to obey a lawful order.

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 is requesting an upgrade to his discharge characterization, contending that his current designation is unjust. He highlight his exemplary performance throughout his enlistment, consistently surpassing expectations and demonstrating excellence in fulfilling assigned duties. The applicant asserts he served as both a mentor, positively influencing fellow Airmen, and fostering a culture of continuous improvement. Additionally, he acknowledges full awareness of his actions, taking 100% responsibility of his misconduct.

The DRB concluded that there is no evidence of inequity or impropriety in the case, and the assigned characterization was deemed appropriate given the circumstances. While the applicant contends his discharge was unjust, he has provided no evidence whatsoever that would cause this Board to conclude that his discharge, to include the character of service, was the result of an inequity or impropriety. While he emphasizes his positive accomplishments and duty performance during his period of service, his positive record of accomplishments alone is not sufficient to conclude the applicant has been treated differently than similarly situated Airmen. The Board thoroughly reviewed the applicant's available military personnel records, which clearly document the circumstances for his administrative discharge and reveals no apparent violations of due process. Moreover, the discharge and character of service do not appear to be

disproportionate given the circumstances. There are no concerns regarding propriety, as the discharge procedures were correctly followed, and the applicant has not presented any claims or evidence of factual or legal errors influencing the decision. The Board did consider DODI 1332.28 E4.3, which instructs considering “conduct or efficiency ratings”. However, the Board ultimately determined that these factors do not outweigh the severity of drug abuse to warrant a change in characterization to “honorable”.

The DRB voted unanimously to **deny** the applicant’s request to upgrade his discharge characterization.

Should the applicant wish to appeal this decision, the applicant must request a personal appearance before this Board before applying for relief to the Air Force Board for Correction of Military Records (AFBCMR). In accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*, all applicants before the AFBCMR must first exhaust available administrative avenues of relief before applying to the AFBCMR, otherwise their AFBCMR case will be administratively closed until such time that the applicant avails themselves of the available avenue of relief. Therefore, should the applicant wish to appeal this decision, they must first exercise their right to make a personal appearance before the AFDRB.

**CONCLUSION:** After a thorough review of the available evidence, to include the Applicant’s issues, summary of service, and discharge process, the Board found the discharge was proper and equitable. Therefore, the characterization of service shall remain “General”. The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 20 Feb 24. 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)