

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT**

**SUMMARY:**

The applicant was discharged on 28 March 2019 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with a General Discharge for Misconduct (drug abuse). The applicant appealed for an upgrade of their discharge characterization.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using Zoom on 02 April 2024. 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 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. His misconduct included wrongfully distributing a schedule V controlled substance.

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 requested an upgrade to his discharge characterization to reflect his honorable service. He contends that the current characterization inaccurately portrays him as a user and/or distributor of illegal substances, which he denies.

During the applicant's appearance, he provided an unsworn statement testifying that wife had exchanged legally-purchased food containing cannabis with a girlfriend of one of the applicant's military coworkers. He stated that he was not present for any exchanges of the food between his wife and the girlfriend. He explained that money given to his wife in exchange for the food was a reimbursement for the purchase price and estimated that less than \$20 was involved. The applicant denied that he was a party to any transfers, that the exchanges involved anyone besides the civilian girlfriend of his coworker, that any transfers occurred on base, that he transported any cannabis, and that he communicated about the exchanges. The applicant described himself as being an average airman who had neither superb accomplishments nor disciplinary issues outside of his Article 15. Finally, the applicant testified that since his discharge, he had found employment working as a contractor for the Navy.

After a thorough evaluation of the applicant's statements and service record, the DRB determined that the applicant did not present "substantial credible evidence" to rebut the DRB's presumption of regularity in the

conduct of governmental affairs. DODI 1332.28, *Discharge Review Board (DRB) Procedures and Standards*, E3.2.12.6.

The applicant contends that his characterization is an inaccurate portrayal of him as a drug user and/or distributor. Because the applicant seeks relief based on an alleged inaccuracy, the applicant challenged the propriety of his discharge, and did not present a challenge to the equity of his discharge. In such cases, the Board must “consider the issue solely as a matter of propriety.” DODI 1332.28 E3.5.1.3.2.

The core of the applicant’s arguments is that he had no involvement in the distribution of cannabis. He attributed the entirety of these actions to his wife. The applicant therefore asserts that he was punished for an event which did not occur.

The Board determined that the applicant’s statements were not sufficiently credible to carry his burden of persuasion because they were inconsistent with records before the Board and were not substantiated by documentary evidence. The applicant’s Article 15 originally charged the applicant with use of lysergic acid diethylamide (LSD), and distribution of marijuana. The applicant’s commander removed the LSD charge, and changed the charge of distributing marijuana to distributing a schedule V controlled substance. During his testimony, the applicant explained that those changes were made because the applicant denied committing those crimes. However, the applicant was unable to explain why he did not object to the charge of distributing a schedule V controlled substance at the same time he objected to other charges.

In the face of this, the applicant failed to provide any documentation or witness statements corroborating his testimony, particularly his testimony that he was punished for his wife’s actions, that the exchange was a reimbursement, that the exchange was of legally-purchased food, and that the exchange was of a minor sum.

The Board’s presumption of regularity in governmental affairs therefore stands. DODI 1332.28 E3.5.3.2.2.1., E3.5.3.2.2.2. Accordingly, the Board made a finding of fact that the applicant was involved in the distribution of a schedule V controlled substance. DODI 1332.28 E3.5.3.2.2.

**FINDING:** The DRB voted unanimously to *deny* the applicant’s request to upgrade his discharge characterization, to change the discharge narrative reason, and to change 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 “Under Honorable Conditions (General),” the narrative reason for separation shall remain “Misconduct (Drug Abuse),” and the reentry code shall remain “2B.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 17 April 2024. 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)