

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

SUMMARY: The applicant was discharged on 17 September 2022 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Entry Level Separation for Erroneous Entry. The applicant appealed for a change to the reentry code.

The applicant requested the Board be completed based on a records only review. The Board was conducted on 14 March 2024. 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.

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 documentary evidence the DRB 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 requests an upgrade to his reentry code. He states that he failed urinalysis during week 0 of Basic Military Training (BMT). He claims this happened because he drank an energy drink that was available at a local grocery store which he later learned contained THC. The applicant states that the urinalysis result was not an accurate reflection of his integrity or lifestyle. The applicant included a character reference from a retired Air Force officer who has known the applicant since he was a toddler and recommends him for military service. A pastor and retired Air Force Master Sergeant also provided character references and comment on the applicant's yearlong journey to drop weight in order to meet Air Force enlistment standards.

The applicant did not assert or present evidence of an error of propriety in his discharge at the time of issuance. The Board noted that the applicant was discharged for erroneous enlistment. Specifically, the applicant certified that he had not consumed drugs, including marijuana, in the roughly five months immediately preceding his entry to BMT. This proved to be false, because the applicant failed his initial urinalysis with a positive detection of THC. The applicant does not challenge the accuracy of this urinalysis result or the process of discharging him for erroneous enlistment. Instead, the applicant alleges that he was unaware that a drink he consumed contained THC. The Board considered this proffered evidence under standards of equity. In a review of the record, the applicant did not present his current explanation to his commander during the discharge processing. In fact, the applicant chose to not file a rebuttal to the discharge notification. Because the burden is on the applicant to provide substantial credible evidence, the Board did not find his discharge to be inequitable.

Additionally, the Board considered the factors laid out in the attachment to the Under Secretary of Defense memorandum, *Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations*, dated 25 June 2018, known as the “Wilkie Memo.” The Board considered the factors listed in paragraphs (6)(a)-(6)(l) and (7)(a)-(7)(r) of this memorandum and found no evidence of inequity or impropriety.

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 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, service/medical record entries, and discharge process, the Board found the discharge was proper and equitable. Therefore, the awarded characterization of service shall remain “Entry Level Separation,” the narrative reason for separation shall remain “Erroneous Entry,” and the reentry code shall remain “2C.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 19 March 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)