

SUMMARY: The Applicant was discharged on 2 August 2010 in accordance with Air Force Instruction, 36-3207, *Separating Commissioned Officers*, with a General discharge for Misconduct (Drug Abuse). The Applicant appealed for an upgrade to narrative reason for separation and separation code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 16 May 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 Applicant's record of service included a Letter of Reprimand (LOR). His misconduct included: LOR for positive test results for tetrahydrocannabinol (THC).

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 stated they developed mental health issues that led to making one very poor decision. He stated he has moved ahead and continued in a career as an Air Force civilian and served admirably, continuing to progress, completing all education and professional military education requirements, and now leads a squadron in one of the rare Air Force civilian director positions. The Applicant stated he has learned his lesson, and his accomplishments are deserving of an upgrade.

The DRB found that factors outlined in the Wilkie Memo apply to allow for partial relief. The Applicant stated his discharge should be upgraded based on his post-service conduct. The DRB was pleased to see the Applicant has been successful since his discharge and after reviewing the Applicant's entire service record and submitted documentation, found changes to the discharge are warranted. The Applicant stated mental health was a contributing factor to his misconduct, but the Board found no history of mental illness in the Applicants records. Therefore, the Board determined there was insufficient evidence to provide a nexus between a mental health condition to mitigate the misconduct.

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 specifically found the following factors listed in paragraphs (6)(a)-(6)(l) and (7)(a)-(7)(r) of this memorandum helpful in determining to upgrade based upon equity standards:

Relief is generally more appropriate for non-violent offenses than for violent offenses. The Applicant's misconduct involving THC use was non-violent.

The Applicant's candor. The Applicant admitted to his "very poor decision."

Severity of misconduct. The misconduct was an isolated incident that did not cause harm to any person or property.

Length of time since misconduct. The misconduct occurred nearly 14 years ago.

Acceptance of responsibility, remorse, or atonement for misconduct. The Applicant stated he has learned his lesson.

Meritorious service in government or other endeavors. The Applicant has successfully completed education, professional development and has served admirably in the Air Force civil service.

Job history. The Applicant's job history reflects continual career growth and education achievements.

FINDING: The DRB voted unanimously to *approve* the Applicant's request to change the discharge narrative reason and separation code. The DRB voted unanimously to *deny* the Applicant's request to upgrade his discharge characterization 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 inequitable. Therefore, the awarded characterization of service shall remain "General," the narrative reason for separation shall change to "Secretarial Authority," and the reentry code shall remain "Not Applicable." The DRB results were approved by the Presiding Officer on 11 July 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)