

SUMMARY: The applicant was discharged on 17 March 2022 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Misconduct (Drug Abuse). The applicant appealed for a change to the discharge narrative reason, and a change to the reentry code.

The applicant requested the Board be completed based on a records only review. The Board was conducted on 18 July 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 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's record of service included the following documented misconduct leading up to their discharge:

- Letter of Reprimand (LOR) for possession of an electronic cigarette containing marijuana.
- Article 15 for being absent from the Training Squadron assigned for approximately three days; failed to adhere to Restriction of Movement (ROM) Guidelines.

The Applicant stated that their service was prematurely ended due to a lapse in judgment involving marijuana use and expressed remorse for violating the policy. They indicated that they have since taken measures to correct their behavior and learn from their mistakes. The Applicant also mentioned completing counseling and rehabilitation and is now seeking to reenlist in the Air Force.

The Applicant provided the following documents in support of their claim:

Memo for discharge authority; Advanced Individual Training (AIT) Testimonials; Marine Officer 1st Lt [Redacted] Testimony Letter to Lt Col [Redacted]; DD214; Memorandum from Capt [Redacted]; US Navy (RET) Saigon Vietnam Testimony; Certificate of Completion under Veterans Retraining Assistance Program (VRAP); Other Character Statements

The DRB found that the Applicant did not contest any impropriety or inequity in their discharge, and despite changes in state law, marijuana remains illegal under military regulations. The Applicant's misconduct, including violations of Restriction of Movement (ROM) guidelines and possession of marijuana, was seen as serious. Additionally, the Applicant's short service duration and lack of a performance record contributed to the Board's decision. Although the Applicant's potential and personal improvements were acknowledged, the DRB concluded that the negative aspects of the Applicant's service outweighed the positive. However, the

DRB recommended that the Applicant pursue a personal appearance before the Board and provide additional evidence and documentation, while working with a recruiter, to strengthen their case for re-entering the Air Force.

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 their discharge characterization and to change the discharge narrative reason. The DRB voted 2 to 1 to **deny** the applicant’s request 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 “General,” the narrative reason for separation shall remain “Misconduct (Drug Abuse),” and the reentry code shall remain “2B.” The DRB results were approved by the Presiding Officer on 3 September 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)