

**SUMMARY:** The Applicant was discharged on 21 April 2023 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Uncharacterized discharge for Fraudulent Entry (Drug Abuse). The Applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the reentry code and separation code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 24 October 2024. The Applicant was 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 the following documented misconduct leading up to their discharge: N/A

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 all aspects of their discharge. They are claiming their discharge was improper and inequitable. They are claiming their chain of command made an error of fact and discretion that has prejudiced the Applicant and failed to consider the poor advice recruiters consistently give to recruits while enlisting. Two years prior to the Applicant's enlistment, they claim they were peer pressured into a one-time, isolated, use of cocaine at a party. While processing for enlistment the Applicant stated their recruiter waived off any concerns and believed it would be more difficult to finish the recruiting process with a drug waiver, so the Applicant did not annotate their prior drug use on the AF Fm 2030. The Applicant went off to Basic Military Training (BMT) and during their Sensitive Skills interview the Applicant disclosed their prior use of cocaine. They requested a waiver for Drug-Related Eligibility Determination but was denied because they did not inform their recruiter of the use of cocaine before signing the AF FM 2030.

The Discharge Review Board (DRB) determined that the Applicant's discharge was unjust due to improper procedures. The Applicant alleged that their recruiter had instructed them not to disclose their prior drug use on the AF Form 2030, which they did not report during the enlistment process. However, the Applicant later admitted to the drug use during their Sensitive Skills Interview at Basic Military Training (BMT). According to Air Force Instruction (AFI) 36-3208, *Administrative Separation of Airmen*, paragraph 5.19, the Applicant may have been eligible for a waiver to remain in the Air Force. The waiver allows for the retention of Airmen who were subject to discharge due to fraudulent entry or erroneous enlistment, provided they are deemed to be good risks, and their retention serves the best interest of the Air Force. Despite the

Applicant's request for a waiver, it was denied, and their request to change career fields was also rejected. The Applicant was subsequently notified of their administrative separation due to fraudulent entry. In response, the Applicant submitted 47-character statements, including a statement from a friend who corroborated the Applicant's account of the isolated incident of drug use. The DRB found that the Applicant's retention would have been in the best interest of the Air Force, considering their achievements and qualifications. The Applicant had scored a 93 on the Armed Services Vocational Aptitude Battery (ASVAB), achieved marksman status at Combat Arms Training and Maintenance (CATM), and held a doctoral degree. Their resume also highlighted multiple awards, international experience, and extensive travel. Additionally, the Applicant provided a reference letter from Congressman Smith, demonstrating their potential as a valuable asset to the Air Force.

The Applicant requested an upgrade of their uncharacterized Entry Level Separation to an Honorable discharge. However, this request was denied due to a policy stated in DoDI 1332.14, which dictates that Airmen in entry-level status (within the first 365 days of continuous active military service) will receive an entry-level separation without service characterization if a separation action is initiated during this time. Therefore, the DRB could not approve the Applicant's request for an upgrade to an Honorable discharge.

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.

**FINDING:** The DRB voted unanimously to *approve* the Applicant's request to change the discharge narrative reason, and to change the reentry code.

**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 improper. Therefore, the awarded characterization of service shall remain "Uncharacterized," the narrative reason for separation shall change to "Secretarial Authority," and the reentry code shall change to "3K." The DRB results were approved by the Presiding Officer on 25 November 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://afrbportal.azurewebsites.us>

Attachment:  
Examiner's Brief (Applicant Only)