

SUMMARY: The Applicant was discharged on 31 December 2013 in accordance with Air Force Instruction 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, with a General discharge for 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 30 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 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 reported struggling after their deployment, followed by their father's death a few months later. After the burial, they admitted to smoking marijuana with their uncle, cousins, and friends. They expressed regret over this action and felt like a failure for over a decade. The Applicant claimed that they attempted to self-report their marijuana use to their Commander, but the Commander responded by ordering a drug test and subsequently discharging the Applicant. The Applicant believes that reporting the issue to the Commander was the right decision. Since their discharge, the Applicant has graduated with an associate degree, obtained a commercial driver's license, married, and had two children. Additionally, they were honored with the key to Georgetown, Texas, for saving a life. The Applicant is now seeking to return to Active Duty.

The Applicant provided the following documents in support of their claim: Various Certificates for Service, Campaign Medal, Air Force Training, and Appreciation Certificate, Alcoholics Anonymous Meeting Attendance Form, DD214, *Certificate of Release or Discharge from Active Duty*, a Certificate of Recognition for Emergency Medical Care, Certificate from the State of Texas House of Representatives and a Commemoration of Applicant's Air Force Service

The DRB determined that the Applicant's marijuana use was an isolated incident and that the Applicant attempted to self-report but was nonetheless discharged. The Board also considered the Applicant's post-service accomplishments and commitment to service, and decided it was fair to change the Applicant's narrative reason for separation and reentry code. The Board recommended that the Applicant request a Personal Appearance to present additional evidence and testimony if they are seeking an upgrade to their service characterization.

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 evidence of inequity.

It is consistent with military custom and practice to honor sacrifices and achievements, to punish only to the extent necessary, to rehabilitate to the greatest extent possible, and to favor second chances in situations in which individuals have paid for their misdeeds. The Applicant’s marijuana use was a one-time occurrence.

An honorable discharge characterization does not require flawless military service. Many veterans are separated with an honorable characterization despite some relatively minor or infrequent misconduct. The Applicant record does not reflect any other misconduct.

Changes in policy, whereby a Service member under the same circumstances today would reasonably be expected to receive a more favorable outcome than the Applicant received, may be grounds for relief. Current Air Force policies on marijuana use provide options for retention and rehabilitation. The Board found that the Commander did not pursue these options, but the outcome might have been different had they been considered.

The relative severity of some misconduct can change over time, thereby changing the relative weight of the misconduct in the case of the mitigating evidence in the case. The Air Force maintains a zero-tolerance policy for marijuana use, but retention criteria can be applied. Members should be separated if they lack the potential for continued military service or require long-term treatment.

Relief is generally more appropriate for non-violent offenses than for violent offenses. The marijuana use did not result in harm to person or property.

The Applicant’s candor. The Applicant took full responsibility for the marijuana use and self-reported to their commander.

Length of time since misconduct. The misconduct occurred more than ten years ago.

Acceptance of responsibility, remorse, or atonement for misconduct. The Applicant stated, “I regret the action, and felt like a failure for over a decade.”

Character and reputation of Applicant. The Applicant's post-service accomplishments, such as obtaining an associate degree, a commercial driver’s license, and being honored for saving a life, demonstrate significant personal and professional development.

Evidence of rehabilitation. The Applicant provided an Alcoholics Anonymous attendance sign-in sheet for 27 September 2013 to 2 January 2021.

FINDING: The DRB voted unanimously to *deny* the Applicant’s request to upgrade their discharge characterization. The DRB voted unanimously to *approve* the Applicant’s request 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 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 Change to "3K." DRB results were approved by the Presiding Officer on 29 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)