

**SUMMARY:** The Applicant was discharged on 12 February 2013 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General Discharge for Misconduct (Drug Abuse). The Applicant appealed for an upgrade of their discharge characterization, and a change to the discharge narrative reason.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 01 August 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 an Article 15. Their misconduct involved the improper use of intoxicating substances and underage drinking.

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, a young airman, acknowledged their mistake, accepted the consequences, and was honest about their actions. They felt they were not given a fair opportunity for redemption or rehabilitation to demonstrate their worth to the Air Force. They stated that this situation had a profound impact on their life, career, and mental well-being, especially when they sought educational benefits to advance their career.

The DRB determined that the Applicant was discharged from the Air Force due to drug abuse and underage drinking. Despite receiving an Article 15 while deployed, the Applicant performed exceptionally well, demonstrating their dedication to their duties. However, their discharge occurred shortly after their deployment, which did not allow rehabilitation.

The Applicant submitted extensive supporting documentation, including a discharge package, post-military professional statements, investigation documents, character letters, military performance statements, and lay statements. The character letters were particularly compelling, as they were written by individuals who knew the Applicant personally and could attest to their character and work ethic during and after their military service. These letters highlighted the Applicant's dedication, reliability, and integrity, demonstrating their value as a military and community member.

The DRB has the authority to consider various factors for equity and clemency, such as candor, atonement, and post-service conduct, when recharacterizing a discharge. In this case, the board found it equitable to upgrade the applicant's discharge based on the evidence provided, considering 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. The following were factors from the memorandum applied to the decision making rationale.

a. 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 board determined that the applicant had been adequately punished for their past misdeeds and that the evidence presented was favorable for granting a second chance. The applicant's efforts to reconcile their actions and demonstrate personal growth were considered, leading the board to find that a second chance was warranted.*

b. Relief should not be reserved only for those with exceptional aptitude; character and rehabilitation should weigh more heavily than achievement alone. An applicant need not, for example, attain high academic or professional achievement to demonstrate sufficient rehabilitation to support relief.

*The board evaluated the lay statements and character references submitted by the applicant and determined that they demonstrated a strong character and a significant effort towards rehabilitation. These factors were considered heavily in the board's decision-making process.*

d. Evidence supporting relief may come from sources other than a veteran's service record.

*The board carefully evaluated substantial evidence from various sources, including character references and performance evaluations, both during and after the applicant's military Service. This evidence overwhelmingly supported the applicant's rehabilitation claims and potential for honorable characterization and relief. As a result, the board viewed these factors favorably.*

j. Similarly situated Service members sometimes receive disparate punishments. A Service member in one location could face court-martial for an offense that routinely is handled administratively across the Service. While a court-martial or a command would be within its authority to choose a specific disposition forum or issue a certain punishment, DRBs should nevertheless consider uniformity and unfair disparities in punishments as a basis for relief.

*The board noted that the applicant was not given a fair chance to prove their value to the Air Force, as they were not considered for retention under the Air Force's criteria. This suggests that the applicant may have a greater chance for rehabilitation and relief under current standards.*

k. Relief is generally more appropriate for non-violent offenses than for violent offenses.

*The applicant's misconduct in this case was non-violent, and the board granted relief based on this factor.*

**FINDING:** The DRB voted unanimously to **approve** the Applicant's request to upgrade their discharge characterization, to change the discharge narrative reason, and voted 2 to 1 to **approve** 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 change to "Honorable," the narrative reason for separation shall change to "Secretarial Authority," and the reentry code shall change to "3K." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 21 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)