

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

SUMMARY:

The applicant was discharged on 11 Apr 2023 in accordance with Department of the Air Force Instruction 36-3211, Military Separations, with a General Discharge for Misconduct (Drug Abuse). The applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, a change to their separation code, 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 24 April 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 multiple Letters of Reprimand (LOR). The applicant's misconduct included: LOR for failure to comply with the treatment plan while in the Substance Use Disorder Clinical Care (SUDCC); LOR for posting inappropriate and offensive language about women on [applicant's] social media page, to wit: "All women must die. Kill all women. So what I want to kill them all"; LOR for wrongfully possessing and using Psilocybin (mushrooms).

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 the separation was not supported by a preponderance of evidence and there were multiple procedural errors within their discharge. The applicant requests a change of the discharge characterization to honorable, the narrative reason to "Voluntary Release due to Personal Reasons," "Secretarial Authority," or some similar neutral reason, and the Separation and Reentry Code to reflect the characterizing of service and narrative reason for separation. The applicant contends that the only evidence to substantiate the allegation, possessed and offered psilocybin mushrooms to other Airmen, is a sworn statement by an ex-girlfriend of the applicant. The applicant provided a legal petition for additional information which is based on procedural unfairness and improprieties. The applicant cited their performance record and community involvement, along with statement that applicant never tested positive on any urinalysis and no mushrooms were recovered. The applicant provided various character statements such as "[Applicant] is dedicated to maintaining a strong and capable body, which is inconsistent with the lifestyle of someone who would be involved in drug use".

The DRB determined the discharge was proper and equitable. The applicant contended the separation was not supported by a preponderance of evidence. However, the DRB found the applicant's record reflected a legal review which summarized in the respondent's response to the discharge recommendation, stating "Respondent first argued that he in fact had mushrooms, but not ones used for drug abuse, and instead, his houseplants had rampant fungus growth... Respondent noted that the only witness [ex-girlfriend] was both biased and in fact the only person in the Air force Office of Special Investigation's report to have identified Respondent as having grown illicit mushrooms". However, the legal review also states that a friend and coworker of the Respondent corroborated the Respondent's ex-girlfriend statements, stating the Respondent admitted to [friend/coworker] that [Respondent] recreationally grew and consumed psychedelic mushrooms. The DRB found this to be a preponderance of evidence. Additionally, the Respondent admitted to slandering women, but argued they passed SUDCC. The applicant contended there are multiple procedural errors within their discharge but did not provide specific details or proof of the impropriety. Since the Board relies on the presumption of regularity, it concluded the discharge received by the applicant was appropriate. The DRB was pleased to see the applicant has been successful since leaving the Air Force. However, the Board reviewed the applicant's entire service record and found no evidence of impropriety or inequity to warrant any changes to the discharge.

The applicant provided a legal petition for additional information which is based on procedural unfairness and improprieties. Utilizing a Standard Form 180, Request Pertaining to Military Records, separated members can request a copy of their service records from:

National Personnel Records Center
1 Archives Drive
St. Louis, MO 63138

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, to change the discharge narrative reason, to change the separation code, 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 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 Air Force DRB (AFDRB) results were approved by the Presiding Officer on 29 Apr 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)