

SUMMARY: The Applicant was discharged on 24 March 2011 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, 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 29 August 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:

- Article 15 for the wrongful use of marijuana.
- Letter of Reprimand for failing to report to duty at the prescribed time.

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 and their counsel stated that, aside from a single act of indiscretion, the applicant served honorably for over three years. Counsel argued that the applicant was implicated in a marijuana investigation solely because their name appeared on a petitioner's sheet, leading to discharge without a drug test or thorough investigation. They asserted the applicant never used drugs and was deployed at the time of the investigation.

Feeling powerless, the applicant did not contest the discharge but regretted the abrupt end of their Air Force career. Over the past 12 years, the applicant maintained a clean record, obtained a spousal visa in the UK, pursued various jobs, earned a Level 2 engineering certification, and demonstrated positive conduct through church involvement, supported by character references. Counsel requested reconsideration, arguing the applicant was not given a fair opportunity to address the situation.

The DRB determined that the applicant's discharge was attributed to misconduct, specifically involving alleged marijuana use. Although the applicant and their counsel argued that the investigation was flawed and lacked direct evidence, the applicant's decision not to contest the discharge at the time and the absence of a personal statement addressing the misconduct significantly weakened their case for an upgrade in characterization. Furthermore, the character letters provided, were considered generic and did not directly address the discharge's circumstances, further undermining the request for an upgrade.

The Board did find, while implicated in drug use through witness accounts, that there was no direct evidence, such as a positive drug test, documented in the applicant's records. Recognizing the applicant's commendable post-service conduct—including a clean criminal record, sustained employment, community involvement, and educational accomplishments—the Board acknowledged these actions as indicative of rehabilitation and a commitment to a responsible lifestyle. Ultimately, these factors aligned with the Board's decision to approve the narrative reason and reentry code changes, reflecting the applicant's positive contributions since 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, however the board also voted to *deny* the Applicant's request to upgrade their discharge characterization.

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 improper. 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.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 29 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)