

**SUMMARY:** The Applicant was discharged on 12 December 2011 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a Under Honorable Conditions (General) discharge for Misconduct (Drug Abuse). The Applicant appealed to change the reentry 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 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 the following documented misconduct leading up to their discharge: Article 15 for wrongfully distributed two oxycodone pills, a Scheduled II controlled substance

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 sought clemency and forgiveness for their mistake while serving in the military. They requested an upgrade to their reentry code to allow them to rejoin the military. They believed one single mistake should not have ended their military career, but understood the offense of distributing oxycodone pills was a dischargeable offense. In addition, they believed due to the nature of the time in 2011 the Air Force was looking for and using any reason to discharge individuals due to budget cuts. In addition, they believe they would have been shown more leniency and been allowed to continue to serve while being reprimanded.

The DRB reviewed the Applicant's case and determined that their discharge was proper due to drug abuse, as defined in DAFI 36-3211, *Military Separations*, paragraph 7.43.1. The Applicant had provided a fellow Airman with two of their prescribed oxycodone pills, and although they were under the influence of the medication at the time, this did not affect the propriety of the discharge. However, the Applicant claimed that their discharge was related to budget cuts in 2011, but they failed to provide any supporting documentation to substantiate this claim. Furthermore, there is no Department of the Air Force guidance or instructions that support the claim of leniency.

Despite this, the Board found that there was inequity in the Applicant's discharge and decided to grant relief based on liberal consideration. The Board considered the Applicant's service record, honesty, and candor, as well as their acceptance of the punishment imposed by the approval authority. The Board also noted that the incident occurred more than 12 years ago, and that the Applicant has had no further issues with law enforcement since their discharge, as evidenced by their clean criminal record. The decision to grant relief

was made in accordance with principles of fairness and equity, recognizing the Applicant's potential positive impact in the Air Force National Guard.

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.

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 discharge occurred thirteen years ago and was a one-time occurrence. The Applicant has already paid for their misdeeds via reduction in grade.*

The Applicant’s candor and Acceptance of Responsibility

*The Applicant was transparent about their misconduct and showed genuine remorse.*

Positive or negative post-conviction conduct, including any arrests, criminal charges, or any convictions since the incident at issue.

*The Applicant provided their criminal history which revealed no infractions had been filed against them since their discharge from the service.*

Length of time since misconduct.

*More than a decade has passed since the Applicant's misconduct, during which they have demonstrated consistent good conduct.*

The degree to which the requested relief is necessary for the Applicant.

*The Applicant seeks to serve in the Air Force National Guard leveraging their experience to positively contribute to the mission. The requested relief is essential for enabling this renewed opportunity to serve.*

Character and reputation of applicant.

*The Applicant character references paint the Applicant as a highly respectful and reliable individual who would be a valuable asset to any team they join.*

**FINDING:** The DRB voted unanimously to **approve** the Applicant’s request 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 inequitable. Therefore, the awarded characterization of service shall remain “Under Honorable Conditions (General),” the narrative reason for separation shall remain “Misconduct (Drug Abuse),” and the reentry code shall change to “3K.” The DRB results were approved by the Presiding Officer on 28 November 2024. If desired, the Applicant can request a list of the Board members and their votes by writing to:

Air Force Discharge Review Board  
3351 Celmers Lane  
Joint Base Andrews, MD 20762-6435

Instructions on how to appeal an AFDRB decision can be found at  
<https://afrbportal.azurewebsites.us>

Attachment:  
Examiner's Brief (Applicant Only)