

SUMMARY: The Applicant was discharged on 07 May 2012 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 separation code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 03 October 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 Article 15s and a remission of suspended non-judicial punishment. His misconduct included: wrongful use of marijuana and dereliction of duty.

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.

Through counsel the applicant contended that his discharge was inequitable because the Air Force did not allow him the opportunity for rehabilitation, and he was an otherwise remarkable Airman. He claimed his marijuana use was an isolated incident and was done to alleviate the stressors he was under due to his military service. Further, the applicant's command should have provided him with the resources he needed instead of separating him with a characterization of service that will haunt and impede him for the rest of his life.

A review of the applicant's record revealed he was punished twice under Article 15, UCMJ for wrongful use of marijuana. The command pursued administrative discharge action against the applicant recommending a Under Other Than Honorable Conditions characterization. The applicant submitted a conditional waiver of his board hearing conditioned on him receiving no more than a General service characterization. The waiver was denied, and he proceeded to a board hearing. The Board recommended, and he was approved to be discharged, with a General service characterization. Additionally, the member also had a previous Article 15 for dereliction of duty. The applicant accepted responsibility for his drug use as evidenced in his response to the first Article 15. The applicant submitted two character reference letters from Senior enlisted members he worked with while on active duty. Both spoke to his excellent duty performance and his upstanding character, stating his drug use was not recreational and was instead done to self-medicate due to stressors in his life caused by his military service.

The DRB determined the Applicant contended his use of marijuana was an isolated incident in response to stressors in his life, and he was not offered rehabilitation. However, after reviewing the service record, the DRB found no evidence to indicate the Applicant was unaware of the Air Force policy of zero tolerance for illegal drug use, nor was there any evidence to indicate he was self-medicating or was suffering from stress. The record revealed the Applicant was referred to the Alcohol and Drug Abuse Prevention and Treatment Program (ADAPT) after the drug use was discovered, therefore, the Board determined the Applicant was afforded rehabilitation. Thus, the Board found the negative aspects of the Applicant's willful misconduct outweighed the positive aspects of his military service and his discharge was appropriate.

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 his discharge characterization, to change the discharge narrative reason, and to change the separation code. The DRB also voted unanimously to **deny** changing the applicant's 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, the narrative reason for separation shall remain, and the reentry code and separation code shall remain. The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 04 October 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)