

SUMMARY: The Applicant was discharged on 02 May 2024 in accordance with Department of the Air Force Instruction 36-3211, Military Separations, with an Uncharacterized Discharge for Fraudulent Entry (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 09 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 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 first contends that their discharge was mischaracterized in 2016 due to being a 20-year old who gave into peer pressure & curiosity. The applicant wanted to make clear the first incident of cocaine usage was two - three times within one day. The second time the applicant was in a dark place during the Pandemic, they stated two incidents over an eight year time period shouldn't constitute as a pattern of drug use. The applicant's second contention is false information due to the discharge narrative states "Did not complete Drug Rehab or failed to attend at all" but was never enrolled in a program. Lastly, the applicant contends discrimination based on a peer who is white was in the same circumstance but was approved. To their detriment, the applicant choose not to be truthful and was seen in a negative light and destroyed their chance to serve. While in Basic Military Training the member learned about ethics and core values which compelled them to tell the truth regarding their previous drug usage.

A review of the applicant's record revealed that on March 7, 2024, during a sensitive skills interview, he admitted to previously undisclosed use of mushrooms and cocaine in March 2019. After careful review, the board concluded that the applicant should not be penalized indefinitely for a mistake made while young and immature prior to enlistment. Additionally, the board was compelled by the recommendation letter written by the squadron commander in favor of retaining the member in the Air Force with a waiver—an endorsement that is uncommon among leadership when dealing with young service members. The board also noted the lack of decision rationale provided by the group commander for denying the recommendation. For these reasons, the board decided that it was in the interest of justice to change the applicant's narrative reason for separation and reentry code to reflect "Secretarial Authority" and "3K," respectively. The applicant also requested that their uncharacterized Entry Level Separation be changed to an honorable character of service. However, Air Force policy clearly indicates that a member whose discharge is initiated within the first 365 days of active service will get an entry-level separation and that a discharge

characterization is only appropriate once a member attains more than 365 days of active service. While the Board was convinced that action on the narrative reason for separation and RE code was appropriate under equity considerations, the fact the member's discharge was initiated prior to attaining 365 days of active service is determinative. While the Board did see fit to fashion partial relief due to equity concerns, the Board was not convinced that upgrading the character of service was appropriate to the circumstances. Indeed, the relief directed above related to the narrative reason for separation and RE code should be sufficient to allow the applicant to be eligible to be considered for accession by a recruiter with a waiver. Whether a recruiter decides to pursue a waiver to allow the applicant's accession depends entirely on the needs of the Air Force.

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 *approve* the Applicant's request to change the narrative reason for separation and RE code. However, the applicant's request to upgrade the characterization of discharge to honorable is denied.

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 inequitable. Because of this, the narrative reason for separation shall Change to "Secretarial Authority," and reentry code shall Change to "3K." The awarded characterization of service is both proper and equitable and shall remain "Uncharacterized." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 27 Feb 25. 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)