

SUMMARY: The Applicant was discharged on 19 October 2021 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 and separation codes.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 23 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 the following documented misconduct leading up to their discharge: an Article 15 for wrongful use of a synthetic cannabinoid.

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 her discharge should be upgraded to correct errors and injustice. Based on the Applicant's outstanding service record, relevant guidelines in the 2017 Undersecretary of Defense, Robert L. Wilke Memo (referred to as the "Wilke Memo"), and she qualified for retention under the criteria set forth in AFI 36-3208, she deserved an upgrade. In her application, the Applicant admitted to using a vape pen at a party with other Airmen, however, she claimed she was unaware the vape pen contained an illegal substance. The Applicant accepted responsibility for her actions and displayed remorse, stressing she would never knowingly ingest an illegal substance.

Counsel argued that the Applicant suffered a great injustice because the command completely disregarded her character and performance when considering her discharge. Additionally, counsel argued 15 of the 18 Wilke Memo factors applied to the Applicant and must be considered by this Board. Finally, the Applicant contended she did in fact meet all retention criteria and deserved a second chance to serve in the military.

A review of the Applicant's record revealed she was punished under Article 15, UCMJ for wrongful ingestion of a synthetic cannabinoid. The evidence in the record indicated the applicant was at a party with other Airmen where she admitted she inhaled a vape that she claimed she did not know contained an illegal substance. The incident was later reported by an anonymous tip to Security Forces. Urinalysis testing came back negative. Based on the applicant's admission, the command initiated discharge action, and she was discharged with a General discharge for Misconduct (Drug Abuse). She requested retention during the discharge process which was denied.

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” as addressed by Counsel and the Applicant. The Board considered all the factors listed in paragraphs (6)(a)-(6)(l) and (7)(a)-(7)(r) of this memorandum and took note of the Applicant's duty performance as documented by their performance reports, awards and decorations, and other accomplishments. It found the seriousness of the Applicant’s willful misconduct offset the positive aspects of their service and the Applicant’s discharge was appropriate per standard Air Force policy for drug use. Furthermore, there was no evidence that suggested the Applicant should have been retained.

FINDING: The DRB voted unanimously to *deny* the Applicant’s request to upgrade their discharge characterization, to change the discharge narrative reason, and to change the reentry and separation codes.

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 shall remain. The DRB results were approved by the Presiding Officer on 29 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)