

SUMMARY: The Applicant was discharged on 22 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 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 23 January 2025. 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 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 requested a change to their separation and reentry codes to allow immediate military reenlistment. They stated that they were separated from their basic training group and discharged for fraudulent entry due to drug use. The Applicant argued that their discharge was improper based on principles of equity and justice. They explained that they had disclosed to their recruiter that they had experimented with marijuana, which was legal in New Jersey at the time. However, the recruiter advised them to deny any prior use, deeming it unimportant. The Applicant believed this advice stemmed from the recruiter's inexperience. During training, the Applicant disclosed their prior experimentation, fully understanding the consequences of their earlier omission. They argued that the separation code was excessively harsh, emphasizing that they had never failed a drug test or used drugs while in the military. The Applicant expressed a strong passion for serving their country and sought the opportunity.

The Applicant provided the following document in support of their claim: a Personal Letter.

The DRB determined that the Applicant's discharge process was appropriate, with no evidence of impropriety or inequity. The Applicant was discharged for fraudulent entry after admitting to prior drug use, including LSD and psychedelic mushrooms, during their Sensitive Skills Interview. This information, omitted from the Air Force Form 2030, violated Air Force policy prohibiting the concealment of prior drug use. While the Applicant claimed they disclosed prior marijuana use to their recruiter and were misdirected, they later admitted to withholding information about LSD and mushrooms due to shame, undermining their credibility.

The Applicant submitted only a personal letter, primarily addressing marijuana use, which failed to substantiate claims of recruiter error or injustice in the discharge process. The Applicant's use of controlled

substances beyond marijuana constituted a serious violation of Air Force standards, justifying the uncharacterized discharge and assigned separation and reentry codes. The Board concluded that the discharge and codes were consistent with Air Force policy and denied the request for any changes.

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 change the discharge narrative reason and to change the 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.

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

CONCLUSION: After thoroughly reviewing the available evidence, including the Applicant’s issues, a summary of service, service/medical record entries, and the discharge process, the Board found the discharge was proper and equitable. Therefore, the awarded characterization of service shall remain “Uncharacterized,” the narrative reason for separation shall remain “Fraudulent Entry (Drug Abuse),” and the reentry code shall remain. “2G.” The Presiding Officer approved the DRB results on 26 January 2025. 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, MD 20762-6435

Attachment:
Examiner's Brief (Applicant Only)

