

SUMMARY: The Applicant was discharged on 24 September 2024 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Uncharacterized Discharge for Erroneous Entry/Convenience Of The Government. The Applicant appealed for a change to the reentry code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 20 February 2025. 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 included, but was 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 stated that they wanted to return to the Air Force and complete Basic Military Training (BMT) after being discharged due to a positive drug test. They claimed that the positive test result was due to using an edge control product containing hemp seed oil, and not from using illicit drugs. They offered a willingness to take regular drug tests to prove their innocence and were seeking to have their reentry Code revised to allow them to re-enlist.

The DRB determined that the Applicant's claim regarding a positive THC result from hemp seed oil in a hair product was unsubstantiated, and the contention that the high amount of absorption occurred based on a topical product was not supported by medical literature review. The high THC levels exceeded the Department of Defense cutoff, supporting intentional use. Notably, the positive test occurred on Day 2 of Basic Training, suggesting use after the Applicant's initial processing, which contradicts the assertion that the result was due to pre-service products. Had the test occurred solely at MEPS, a retest might have been possible. Furthermore, the Applicant signed documents acknowledging the Air Force's zero-tolerance drug policy and waived their right to counsel during the discharge process, indicating acceptance of the situation. Thus, the board concluded that the discharge status was warranted.

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 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://afrbaportal.azurewebsites.us>

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 "Uncharacterized," the narrative reason for separation shall remain "Erroneous Entry/Convenience Of The Government," and the reentry code shall remain "2C." The DRB results were approved by the Presiding Officer on 3 March 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)