

SUMMARY: The Applicant was discharged on 01 March 2022 in accordance with Air Force Instruction 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, with an Under Honorable Conditions (General) Discharge for Misconduct – Drug Abuse through urinalysis. The Applicant appealed for an upgrade of their discharge Characterization, a change to the discharge Narrative Reason, a change to the Reentry Code and, a change to the Separation Code.

The Applicant requested the Board be completed based on a Records Review. The Board was conducted on 03 April 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 Applicant's record of service did not include any documented misconduct leading up to their discharge.

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 contends that their discharge from the Air National Guard was improper due to evidence that the contracted company mishandled the urine samples. They stated they paid for a follow-up toxicological and hair follicle test, which was negative for drugs. In addition, the Applicant stated they were placed on Title 32 orders after the urinalysis and received an Honorable discharge from the active component with no mention of the drug test.

The DRB determined impropriety and inequity in the Applicant's discharge. The Applicant provided substantial evidence of the mishandling of the urine samples by the contracting company, which included strong character statements detailing the sequence of events on the day of testing, resulting in the termination of the Director in charge of the operation. Administrative records revealed that the Applicant was not notified promptly of a positive urinalysis. In addition, during the processing of the case, the Applicant's Area Defense Counsel requested a Waiver for discharge for drug abuse, which is uncertain if it was approved or processed. Furthermore, the Applicant received an Honorable discharge from the active-duty component one duty day before the General characterized discharge from the National Guard. The Board determined several mistakes, and no time for rehabilitation was allowed. Due to these reasons, the Board granted the Applicant's appeal for an upgrade of their discharge characterization, a change to the discharge narrative reason, a change to the reentry code, and a change to the separation code.

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 evidence of inequity or impropriety.

FINDING: The DRB voted unanimously to ***approve*** the Applicant’s request to upgrade their discharge Characterization, to change the discharge Narrative Reason, to change the Reentry Code, a change to the Separation Code.

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 improper and inequitable. Therefore, the awarded Characterization of Service shall change to “Honorable,” the Narrative Reason for separation shall change to “Secretarial Authority,” and the Reentry Code shall change to “3K.” The DRB results were approved by the Presiding Officer on 9 April 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)