

SUMMARY: The Applicant was discharged on 18 May 2023 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Other Than Honorable Conditions (UOTHC) Discharge for Misconduct (Drug Abuse). The Applicant appealed for an upgrade of their discharge characterization.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 03 April 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 Applicant's record of service included the following documented misconduct leading up to their discharge:

- Article 15 for wrongful use of THC-9 and THC-8
- Letter of Reprimand for operating a motor vehicle under the influence of alcohol
- Letter of Reprimand for violation of Article 112a, tested positive for Delta-8 and Delta-9

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 stated that majority of their service was honorable and that they understand and accept full responsibility for their wrongdoings. They attributed their actions to immaturity. Since their discharge, the Applicant states they have secured employment and housing, pursuing certifications, and has established a family. They expressed pride in learning from their mistakes and have no regrets.

The DRB determined the Applicant's discharge was proper and equitable. The Applicant did not annotate any impropriety or inequity in their discharge but instead is seeking relief based on post-service accomplishments and their desire to receive G.I. Bill benefits. The Applicant's administrative records revealed the Applicant received an Article 15, a demotion, and two LORs for the same offenses before being referred and tried at a Special Court martial where they were found guilty of all charges. They received a plea agreement which made them ineligible to serve the 40 days that came with the guilty charges. In addition, the Applicant waived their right to an Administrative Discharge Board and accepted the UOTHC characterized discharge. The Board acknowledges the Applicant's efforts and accomplishments since leaving the Air Force. However, the Board found the negative aspects of the Applicant's willful misconduct outweighed the positive aspects of their military service. Therefore, the Applicant's request for an upgrade to their service characterization 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.” 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 upgrade their discharge Service Characterization.

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 “Under Other Than Honorable Conditions (UOTHC),” the narrative reason for separation shall remain “Misconduct (Drug Abuse),” and the reentry code shall remain “2B.” 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)