

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS AUG 19 100

IN THE MATTER OF:

DOCKET NUMBER: 97-03136



COUNSEL: NONE

HEARING DESIRED: NO

Applicant requests that his general discharge be upgraded to honorable. Applicant's submission is at Exhibit A.

The Air Force Discharge Review Board (AFDRB) considered and denied the applicant's request for upgrade of his discharge (Exhibit C). The AFDRB Brief was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The evidence of record reflects that the applicant was discharged for misconduct, which was the result of his receipt of nonjudicial punishment under Article 15 for wrongfully using marijuana. No evidence has been presented which would lead us to believe that the applicant's discharge was improper or contrary to the prevailing regulation. While we noted that the applicant's urinalysis was negative, both the applicant and several other individuals who witnessed the incident admitted that he used marijuana. In view of the above, and in the absence of evidence that the information used as a basis for his separation was erroneous, that his substantial rights were violated, or that his superiors abused their discretionary authority, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied. _

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Ms. Patricia J. Zarodkiewicz, Mr. Kenneth L. Reinertson, and Ms. Olga M. Crerar considered this application on

10 Mar 98 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.


PATRICIA J. ZARODKIEWICZ
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. AFDRB Brief
- D. SAF/MIBR Ltr Forwarding AFDRB Brief