

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
		AMN				
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO	ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
						X
ISSUES A92.21/22, A94.53/54		INDEX NUMBER A66.00, A67.10				
HEARING DATE 19 NOV 02		CASE NUMBER FD2001-0464				
		EXHIBITS SUBMITTED TO THE BOARD				
		1	ORDER APPOINTING THE BOARD			
		2	APPLICATION FOR REVIEW OF DISCHARGE			
		3	LETTER OF NOTIFICATION			
		4	BRIEF OF PERSONNEL FILE			
			COUNSEL'S RELEASE TO THE BOARD			
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
			TAPE RECORDING OF PERSONAL APPEARANCE HEARING			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
REMARKS						
<p>The applicant was scheduled for a personal appearance before the Discharge Review Board at Dobbins ARB, GA on November 19, 2002, but after acknowledging intent to appear, failed to do so without requesting a postponement. The case was considered via records review.</p> <p>Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.</p>						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT			
INDORSEMENT			DATE: 19 NOV 02			
TO:			FROM:			
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 RD FLOOR ANDREWS AFB, MD 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2001-0464

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) at Dobbins ARB, GA on November 19, 2002, but after acknowledging intent to appear, failed to do so without requesting a postponement.

FINDINGS: Upgrade of discharge is denied.

The Board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUES: The applicant's issues are listed in the attached brief.

The applicant requests upgrade of his discharge in order to reenter the Armed Services for his own personal pride and contends that he has the potential to become a physician/officer. The applicant was discharged with an under honorable conditions (general) discharge for drug abuse and minor disciplinary infractions after 2 years, 1 month and 4 days of service. The member received an Article 15 for wrongful use of marijuana and wrongfully and falsely altering his birth date on his military identification card. The applicant's excellent record of duty performance as reflected in performance reports was noted by the DRB however the seriousness of the willful misconduct was a significant departure from conduct expected of all military members.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings the Board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
(Former AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 97/12/24 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 77/01/25. Enlmt Age: 18 9/13. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-79, E-84, G-86, M-72. PAFSC: 4M031 - Aerospace Physiology Apprentice. DAS: 96/04/06.

b. Prior Sv: (1) AFRes 95/11/08 - 95/11/20 (13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as Amn 95/11/21 for 4 yrs. Svd: 02 Yrs 01 Mo 04 Das, all AMS.

b. Grade Status: AMN - 97/12/04 (Article 15, 97/12/04)
AlC - 97/03/21
AMN - 96/05/21

c. Time Lost: none.

d. Art 15's: (1) 97/12/04, Shaw AFB, SC - Article 112a. You did, on divers occasions between on or about 6 Apr 96 and on or about 30 Sep 97, wrongfully use marijuana. Article 134. You did, between on or about 6 Apr 96 and on or about 30 Sep 97, wrongfully and falsely alter by changing the reverse side, a military identification card in words and figures as follows: date of birth 1975 JAN 25. Rdn to Amn, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: none.

f. CM: none.

g. Record of SV: 95/11/21 - 97/07/29 Shaw AFB 4 (Initial)

(Discharged from Shaw AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (01) Mos (17) Das
TAMS: (02) Yrs (01) Mos (04) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/07/14.

(Change Discharge to Honorable)

Issue 1: I have a strong desire for an upgrade to my discharge due to the following:

- Readmittance to the Armed Services.
- Potential of becoming a physician/officer.
- My own personal pride.

ATCH

none.

01/11/15/ia



DEPARTMENT OF THE AIR FORCE
20th FIGHTER WING (ACC)
SHAW AIR FORCE BASE, SOUTH CAROLINA

15 Dec 97

MEMORANDUM FOR 20 FW/CC

FROM: 20 FW/JA -
504 Shaw Dr
Shaw AFB SC 29152-5028

SUBJECT: Legal Review of AFI 36-3208 Action [REDACTED]

1. Basis for Action: The Commander, 20th Aeromedical Dental Operations Squadron, recommended that Am [REDACTED] be separated from the service with a general discharge for misconduct -- drug abuse, pursuant to AFI 36-3208, chapter 5, section H, paragraph 5.54. The respondent is being processed according to the notification procedure.

2. Facts: The file reflects that on divers occasions between on or about 6 Apr 96 and on or about 30 Sep 97, [REDACTED] wrongfully used marijuana, for which he was administered Article 15 nonjudicial punishment action on 4 Dec 97.

3. In addition to the above listed bases for this action, [REDACTED] file also reflects the following misconduct: Between on or about 6 Apr 96 and on or about 30 Sep 97, [REDACTED] wrongfully and falsely altered by changing the reverse side, a military identification card by changing the birth date, for which he was administered Article 15 nonjudicial punishment action on 4 Dec 97.

4. Respondent's Submission: [REDACTED] consulted military counsel, and elected to submit matters for your consideration, which are located at Tab 4.

5. Errors and Irregularities: The file contains no errors or irregularities.

6. Conclusions and Recommendations:

a. This file is legally sufficient to support a discharge, pursuant to AFI 36-3208, chapter 5, section H, paragraph 5.54.

b. The respondent could receive an honorable or general discharge. The commander has recommended the respondent receive a general discharge. I concur with this recommendation. According to the criteria set forth in AFI 36-3208, a general discharge is appropriate when the negative aspects of a member's service outweigh the positive. In this case, [REDACTED] actions constitute a significant deviation from the conduct expected of airmen. When balanced against his otherwise average record, it is clear that a general service characterization is appropriate.

c. Because the respondent is being discharged for drug abuse, he is ineligible for probation and rehabilitation.

d. As the Special Court-Martial Convening Authority in this case, you have the following options:

(1) Recommend the respondent be retained in the Air Force if you make findings of fact consistent with the provisions of AFI 36-3208, paragraph 5.55.2.1, and forward this case to the General Court-Martial Convening Authority (9 AF/CC) for his action;


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(2) Direct the respondent be discharged with a general discharge, without probation and rehabilitation;

(3) Recommend the respondent be separated with an honorable discharge, without probation and rehabilitation, and forward this case to the General Court-Martial Convening Authority (9 AF/CC) for his action; or,

(4) Direct this case be reinitiated pursuant to the board hearing procedures of AFI 36-3208, chapter 6, section C, if you feel a discharge under other than honorable conditions is warranted.

7. Recommendations: I recommend you separate the respondent with a general discharge, without probation and rehabilitation.


Staff Judge Advocate

Attachment
Case File



DEPARTMENT OF THE AIR FORCE
20th FIGHTER WING (ACC)
SHAW AIR FORCE BASE, SOUTH CAROLINA

10 Dec 97

MEMORANDUM FOR AM [REDACTED]

FROM: 20 ADOS/CC
431 Meadowlark St
Shaw AFB SC 29152-5019

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct -- drug abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.54. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reason for this action is that on divers occasions between on or about 6 Apr 96 and on or about 30 Sep 97, you wrongfully used marijuana. Also, between on or about 6 Apr 96 and on or about 30 Sep 97, you wrongfully and falsely altered by changing the reverse side, a military identification card by changing the birth date, for which you were administered Article 15 nonjudicial punishment action on 4 Dec 97.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force, and if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] Area Defense Counsel, 668-2437, at building 321, on 12 Dec 97 at 0830 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days of receipt of the notification memorandum, unless you request and receive an extension for good cause shown. I will forward them to the separation authority.

5. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You must report, in uniform, to the Shaw AFB Hospital, Physical Examinations Section, ASAP, for a medical examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the orderly room.

8. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies which you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge if the reason is not homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.

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9. Execute the attached acknowledgment and return it to me immediately.



2 Attachments

1. Documents in Support of Discharge
 - a. AF Form 3070, 4 Dec 97
 - b. AF Form 1168 [REDACTED] 30 Sep 97
 - c. Amn Adams' Fake ID, undtd
 - d. AF Form 1168 [REDACTED] 30 Sep 97
 - e. AF Form 1168 [REDACTED] 30 Sep 97
2. Airman's Receipt of Notification Memorandum