

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN		
[REDACTED]		AB	[REDACTED]		
TYPE GEN	<input checked="" type="checkbox"/> PERSONAL APPEARANCE		RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	NO				
	<input checked="" type="checkbox"/>				
MEMBERS SITTING		VOTE OF THE BOARD			
		HON	GEN	UOTHC	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD	
A94.05, A92.21, A01.13		A66.00		1	ORDER APPOINTING THE BOARD
				2	APPLICATION FOR REVIEW OF DISCHARGE
				3	LETTER OF NOTIFICATION
HEARING DATE		CASE NUMBER		4	BRIEF OF PERSONNEL FILE
02-11-18		FD2002-0040			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 RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE					
REMARKS					
Case heard at Dobbins ARB, GA.					
Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.					
SIGNATURE OF RECORDER		SIGNATURE OF BOARD PRESIDENT			
[REDACTED]		[REDACTED]			
INDORSEMENT		DATE: 02-12-09			
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			

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

[REDACTED]
[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 88/03/17 UP AFR 39-10, para 5-49c (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 67/07/19. Enlmt Age: 18 6/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-87, E-55, G-59, M-57. PAFSC: 27230 - Apprentice Air Traffic Control Operator. DAS: 86/12/28.

b. Prior Sv: (1) AFRes 86/01/28 - 86/06/09 (4 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 86/06/10 for 4 yrs. Svd: 01 Yrs 09 Mo 08 Das, all AMS.

b. Grade Status: AB - 88/01/28 (Article 15, 88/01/28)
A1C - 87/10/10
AMN - 87/04/10

c. Time Lost: none.

d. Art 15's: (1) 88/01/28, Spangdahlem AB, Germany - Article 112a. In that you, did, within the European Theater, on divers occasions between on or about 1 Oct 87 to on or about 10 Jan 88, wrongfully use marijuana. Further, in that you, did, within the European Theater, on divers occasions, between on or about 1 Oct 87 to on or about 10 Jan 88, wrongfully possess marijuana. Reduction to AB, and \$329.00 per month for 2 months. (No appeal) (No mitigation)

e. Additional: none.

f. CM: none.

g. Record of SV: 86/06/10 - 87/06/09 Spangdalem AFB 9 (Annual)

(Discharged from Charleston AFB)

h. Awards & Decs: AFTR, AFOSLTR.

i. Stmt of Sv: TMS: (02) Yrs (01) Mos (20) Das
TAMS: (01) Yrs (09) Mos (08) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/01/09.
(Change Discharge to Honorable)

Issue 1: I respectfully request that my discharge be upgraded from General under Honorable to Honorable Discharge. I believe my discharge was inequitable because this was a one time incident in my 20 months of service in the Air Force. I was eighteen at the time I made my mistake in Germany. I was foolish and went to Amsterdam and smoked marijuana with a group of men. I understand my responsibility as it was to myself and the Air Force and I made a poor decision to smoke marijuana to fit in with others. Today I am a responsible man who is civic minded with integrity. Once again I regret the decision I made to use marijuana and I kinaly (sic) request an upgrade in my discharge.

ATCH

1. DD Form 214.

02/05/14/ia

PD 2802-0040



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 52D TACTICAL FIGHTER WING (USAFE)
APO NEW YORK 09123-5000

7 MAR 1988

REPLY TO
ATTN OF: JA [REDACTED]

SUBJECT: Legal Review of Administrative Discharge - [REDACTED]

TO: 52 TFW/CC

1. Overview: Under the provisions of AFR 39-10, para 5-49c, [REDACTED], 2137th Communications Squadron, initiated action against [REDACTED] for Commission of a Serious Offense - Drug Abuse. He recommends that [REDACTED] receive a General discharge. [REDACTED] was served the Letter of Notification and acknowledged receipt on 11 Feb 88. The file has been reviewed and found legally sufficient.

2. Summary of Evidence for the Government:

- a. [REDACTED] disciplinary record indicates that between 1 Oct 87 and 10 Jan 88, he wrongfully used and possessed marijuana for which he received an Article 15 on 28 Jan 88.
- b. [REDACTED] enlisted in the Air Force on 10 Jun 86 for four years.
- c. [REDACTED] received one APR with an overall rating of 9.

3. Summary of Evidence for the Respondent: [REDACTED] is entitled to wear the Air Force Training Ribbon. He waived his right to submit statements.

4. Errors and Irregularities: There are no errors or irregularities that prejudice the substantial rights of the respondent. The 2137CS orderly room mistakenly put [REDACTED] name on the Letter of Notification as the attorney who would assist [REDACTED] with his discharge case. [REDACTED] was not seen by [REDACTED] but was instead referred to the Area Defense Counsel, [REDACTED] who assisted the respondent (as indicated by Atch 4 to the Recommendation for Discharge letter).

5. Discussion: The evidence in the file supports [REDACTED] discharge with a General service characterization. The respondent's drug use is incompatible with his continued military service, particularly in his career field as an air traffic controller. His repeated use of an illegal drug in a military dormitory and his trips to distant locations to procure drugs warrant a General service characterization. Given his short time in the service, a discharge board would be unlikely to give the respondent a UOTHC character of discharge. Probation and Rehabilitation (P&R) is inappropriate for this repeat offender who has flouted military authority by smoking marijuana in a military barracks.

UNITED STATES AIR FORCE



SEPTEMBER 18, 1947

Right People. Right Mission. Right Now.

6. Options of 52TFW/CC: Under AFR 39-10, para 5-50, you may:
- a. Direct that the respondent be retained in the Air Force.
 - b. Recommend to the 17AF/CC that he discharge the respondent with an Honorable discharge, with or without P&R.
 - c. Discharge the respondent with a General discharge, with or without P&R.
 - d. Direct reissuance of the notification for board processing if you think an Under Other Than Honorable Conditions discharge is appropriate in this case.

7. Recommendation: I recommend you discharge [REDACTED] for Commission of a Serious Offense - Drug Abuse under the provisions of AFR 39-10, para 5-47k, with a General discharge without P&R.

[REDACTED]
[REDACTED], LT Col, USAF
Staff Judge Advocate

1 Atch
Case File

FD 2002-0040



DEPARTMENT OF THE AIR FORCE

2137TH COMMUNICATIONS SQUADRON (AFCC)
APO NEW YORK 09123-6346

REPLY TO
ATTN OF: CC

10 FEB 1988

SUBJECT: Letter of Notification

TO: [REDACTED]
2137 Communications Squadron

1. I am recommending your discharge from the United States Air Force for Drug Abuse. The authority for this action is AFR 39-10, paragraph 5-49c. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On or about 1 Oct 87 to on or about 10 Jan 88 you did wrongfully use marijuana.

b. On or about 1 Oct 87 to on or about 10 Jan 88 you did wrongfully possess marijuana.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Courts Martial Authority jurisdiction or 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] at building T-77 on 17 Feb 88 at 1230 hours. You may consult civilian counsel at your own expense.

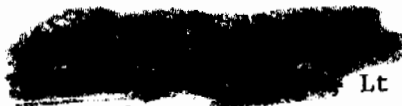
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 22 Feb 1988 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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

6. You have been scheduled for a medical examination. You must report to the USAF Clinic Physical Exams Section at 0730 hours on 16 Feb 88 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy is available for your use in the unit orderly room.

8. Execute the attached acknowledgement and return it to me immediately.



Commander

Lt Col, USAF

3 Atch

1. Supporting Documents for the Reason for Discharge
 - 1a. Article 15 dated 28 Jan 88
2. Documents containing derogatory information which are not listed in letter of notification.
3. Airman's Acknowledgment