

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>AMN</b>	AFSN/SSAN <b>[REDACTED]</b>				
TYPE <b>GEN</b>	PERSONAL APPEARANCE		<b>X RECORD REVIEW</b>				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO						
	<b>X</b>						
<b>MEMBERS SITTING</b>  <b>[REDACTED]</b> <b>[REDACTED]</b> <b>[REDACTED]</b> <b>[REDACTED]</b> <b>[REDACTED]</b>			<b>VOICE OF THE BOARD</b>				
			HON	GEN	UOTHC	OTHER	DENY
							<b>X</b>
							<b>X</b>
							<b>X</b>
							<b>X</b>
ISSUES <b>A94.53, A93.17, A92.37</b>		INDEX NUMBER <b>A66.00</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>			
HEARING DATE <b>02-10-25</b>		CASE NUMBER <b>FD2002-0164</b>		<b>1</b>	ORDER APPOINTING THE BOARD		
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE		
				<b>3</b>	LETTER OF NOTIFICATION		
				<b>4</b>	BRIEF OF PERSONNEL FILE		
					COUNSEL'S RELEASE TO THE BOARD		
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
					TAPE RECORDING OF PERSONAL APPEARANCE HEARING		
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>							
<b>REMARKS</b>							
<b>Case heard at Washington, D.C.</b>							
<b>Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.</b>							
SIGNATURE OF RECORDER <b>[REDACTED]</b>			SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>				
<b>INDORSEMENT</b>				<b>DATE: 02-10-25</b>			
TO: SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		FROM:		SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0164

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge is denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for drug abuse. He had an Article 15 and a referral "3" Enlisted Performance Report. Member submitted a random urine sample that tested positive for marijuana at twice the DoD cut-off level. He subsequently admitted under oath that he had smoked a marijuana-laced cigar, and continued to smoke it even after he realized it was marijuana-laced. At the time of the administrative discharge processing, member was also recommended for a medical separation with 10 percent disability severance pay for exercise induced anaphylaxis. The Secretary of the Air Force Personnel Council considered member's situation as a "dual action" and determined his medical condition did not contribute to or aggravate member's misconduct, and that the seriousness of member's misconduct outweighed the gravity of his medical condition and therefore administrative separation was more appropriate than medical separation. The Board finds member's misconduct was a significant departure from the standards expected of all airmen. Therefore, no inequity or impropriety was found in his discharge in the course of the records review.

**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

(FORMER AMN) (HGH A1C) MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/06/16 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 77/08/20. Enlmt Age: 19 4/12. Disch Age: 22 9/12. Educ: HS DIPL. AFQT: N/A. A-54, E-33, G-48, M-41. PAFSC: 4N031 - Medical Service Apprentice. DAS: 98/01/14.

b. Prior Sv: (1) AFRes 96/12/19 - 97/04/22 (4 Mos 4 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 97/04/23 for 4 yrs. Svd: 3 Yrs 1 Mo 24 Das, all AMS.

b. Grade Status: AMN - 00/02/07 (Article 15, 00/02/07)  
 A1C - 98/08/23  
 AMN - 97/10/23

c. Time Lost: None.

d. Art 15's: (1) 00/02/07, Seymour Johnson AFB, NC, Article 112a. You, did, on or about 22 Oct 99, wrongfully use marijuana. Reduction to the grade of AMN, 10 days extra duty, and a reprimand. (No appeal) (No mitigation).

e. Additional: None.

f. CM: None.

g. Record of SV: 97/04/23 - 99/03/13 Seymour Johnson AFB 4 (Initial)  
 99/03/14 - 00/03/13 Seymour Johnson AFB 3 (Annual) REF

(Discharged from Seymour Johnson AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (5) Mos (28) Das  
 TAMS: (3) Yrs (1) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/03/19.  
 (Change Discharge to Honorable)

FD2002-0164

NO ISSUES SUBMITTED.

ATCH  
None.

02/08/01/cr

MEMORANDUM FOR AMN [REDACTED], 4 MDOS

FROM: 4 MDOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically drug abuse. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.54. Pursuant to table 1.3 and paragraph 5.48 of AFI 36-3208, your service can be characterized as honorable, general or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action:

a. On or about 24 January 2000, you were given an Article 15 punishment for wrongfully using marijuana, resulting in your demotion to Airman. On or about 9 November 1999, the Drug Testing Laboratory, Brooks AFB, Texas reported that the urine sample you gave on 25 October 1999 tested positive for the presence of tetrahydrocannabinol (THC). You then admitted to an OSI Special Agent, on or about 10 November 1999, that on the night of 22 October 1999 you took smoked a "Black and Mild" cigar which was laced with marijuana. After you realized that it was laced with marijuana, you continued to smoked it. This is evidenced by AF Form 3070 dated 31 January 2000, with attachments (Tab 1a).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM 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.

4. 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 Capt [REDACTED], Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on \_\_\_\_\_ (date) at \_\_\_\_\_ (time). You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by \_\_\_\_\_ (allow three duty days) unless you request and receive an extension for good cause shown. I will send them to the separation authority.
6. 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.
7. You have been scheduled for a mandatory medical examination at the Physical Examination Section, 4th Medical Group, Seymour Johnson AFB, at \_\_\_\_\_ hours on \_\_\_\_\_. You are scheduled for a mandatory follow-up examination at Family Practice (\_\_\_\_\_ Team) at \_\_\_\_\_ hours on \_\_\_\_\_.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 33-332 is available for your use at the unit orderly room or the Area Defense Counsel office.
9. Execute the attached acknowledgement and return it to me immediately.

\_\_\_\_\_, Lt Col, USAF  
Commander

**Attachments:**

1. Supporting Documentation:
  - a. AF Form 3070, 24 January 2000 w/atchs
2. Airman's Receipt of Notification Memorandum
3. Medical Examination
4. EPRs
5. Airman's Statement