

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>SSGT</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE <b>GEN</b>	PERSONAL APPEARANCE	<b>X</b> RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">NO</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><b>X</b></td> <td style="padding: 2px;"></td> </tr> </table>	YES	NO	<b>X</b>			
YES	NO					
<b>X</b>						

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UO/HC	OTHER	DENY
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>

ISSUES <b>A01.13, A01.43, A01.53, A01.57</b>	INDEX NUMBER <b>A66.00</b>	EXHIBITS SUBMITTED TO THE BOARD		
		<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	
HEARING DATE <b>02-12-18</b>	CASE NUMBER <b>FD2002-0236</b>		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**  
**Case heard at Washington, D.C.**

**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.**

SIGNATURE OF RECORDER <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT	DATE: <b>02-12-18</b>
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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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0236

**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 that neither the evidence of record or that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for misconduct, namely drug abuse. Member had a urinalysis that came back positive for the presence of cocaine and phencyclidine (PCP) above the DoD cut-off level, as referenced in documents submitted to the board by the applicant. Applicant infers his discharge was improper because the urinalysis was in error and he was not offered a re-test. He also now infers he was not involved in such conduct. He provides no documentary evidence however to support his contentions, and in the absence of evidence that proper, standard test procedures were deviated from, and because the discharge documents are unavailable for review, the Board applied the presumption of regularity concerning the integrity of the test process and its results, and the propriety of the discharge itself. Furthermore, applicant was a noncommissioned officer at the time of the alleged misconduct. Applicant also cites the case of Wood v. Secretary of Defense as a basis for receipt of an honorable discharge; the "Wood" doctrine does not apply in this case due to the apparent presence of illegal drugs in member's system when subjected to a military urinalysis during a period of military duty. Additionally, the record shows, again based on documents submitted by applicant, at the time of the discharge member consulted counsel and waived his right to have his case heard by an administrative discharge board, thus not attempting to establish his innocence when he had the opportunity. At the time of the discharge, the Air Force's drug policy was well publicized and members were continually made aware that illegal drug use was not tolerated. The Board noted that drug abuse is not compatible with Air Force standards; the seriousness of member's misconduct and record of other misconduct warrant the characterization of service he received. The Board could find no wrongful action by the Air Force and concludes the discharge was proper.

**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 SSGT) (HGH SSGT)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAFR 96/10/03 UP AFI 36-3209 (Misconduct - Commission of a Serious Offense - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 65/11/12. Enlmt Age: 18 4/12. Disch Age: 30 10/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: 64551 - Material Storage and Distribution Specialist. DAS: Unknown.

b. Prior Sv: (1) AFRes 84/03/30 - 84/11/15 (7 months 16 days) (Inactive).  
(2) Enlisted as AB 84/11/16 for 4 yrs. Svd: 4 yrs 0 months 0 days, all AMS.

(3) Enlisted AFRes 88/11/16 for 2 yrs. Reenlisted AFRes 90/02/04 for 6 yrs. Svd: 6 yrs 6 months 17 days, of which AMS is 6 months 16 days. AMN-(APR Indicates): 84/11/16-85/11/15. A1C-(APR Indicates): 85/11/16-86/06/26. SRA - 87/11/16. SGT - 88/11/01. SSGT - 89/07/01. APRs: 9,9,9.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted AFRes as SSGT 95/06/03 for 2 yrs. Svd: 01 Yr 04 Mos 0 Das, of which AMS is 0 Yrs 0 Mos 0 Das.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: NONE.

f. CM: None.

g. Record of SV: 92/10/01 - 94/10/26 Andrews AFB 4 (CRO)

(Discharged from Robins AFB)

h. Awards & Decs: AFTR, AFLSAR, AFGCM.

i. Stmt of Sv: TMS: (12) Yrs (06) Mos (04) Das  
TAMS: (04) Yrs (06) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/04/27.  
(Change Discharge to Honorable)

Issue 1: Discharge characterization is improper. It should be honorable in accordance with AFI 36-3209, para A2.2 et seq; AFR 20-10, para 19e; DODD 1332.28 para 4 and Wood v. Secretary of Defense.

Issue 2: The results of my urin test was an error and I was not afforded the opportunity of a re-test.

Issue 3: I am cordially requesting your assistance in the present matter pertaining to my current discharge from the Air Force Reserves. Unfortunately, I received an other than Honorable Conditions Discharge from the 459<sup>th</sup> LSS, Andrew (sic) Air Force Base, in Maryland.

I was a victim of an erroneous urinalysis test. The results were erroneous, and I was denied the opportunity for a retest.

I have always held my standards high, and I have never involved myself in such conduct. This is apparent in the way I conducted myself during my Active Duty time in the Air Force, and after my erroneous discharge, I have never been in any trouble as a civilian.

I have been subjected to other drug test subsequent to the erroneous one, and I have always passed these tests. Evidence is enclosed with this request.

I am a citizen and I have served my country honorably. I respectfully request your assistance in reviewing my records, and upgrading my discharge to Honorable.

**ATCH**

1. Applicant's Letter to the Air Force Discharge Review Board (AFDRB).
2. HQ AFRes/JAS Letter, 05 Jun 96.
3. Drug Test Information, 02 Feb 01.
4. Two Letters of Appreciation.
5. Four Character References.
6. Air Force Commendation Medal.
7. Letter of Recognition.
8. Certificate of Appointment to Sergeant.
9. Certificate of Recognition.
10. Letter of Appreciation.
11. Squadron Below The Zone Promotion.
12. Letter of Appreciation.
13. Employee Performance Appraisal.
14. Air Force Performance Reports.
15. Employee Information.

02/10/30/ia

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE RESERVE  
155 2ND STREET  
ROBINS AIR FORCE BASE, GEORGIA 31098-1635

RESERVE ORDER

19 September 1996

The Air Force relieves **[REDACTED]** (AFSC: 2S051; functional account code: 4TB100; position control number: **[REDACTED]**) from assignment 459 LSS, Andrews AFB MD and discharges him from the United States Air Force Reserve effective 03 October 1996. Service is characterized as Under Other Than Honorable Conditions. Mailing address: **[REDACTED]**. Authority AFI 36-3209, Misconduct, Commission of a Serious Offense, Drug Abuse. Reenlistment eligibility status: INELIGIBLE.

FOR THE COMMANDER



**[REDACTED]** USAF  
Military Personnel Division  
Directorate of Personnel

040208

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