

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE A1C	AFSN/SSAN ██████████																
TYPE GEN	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE		RECORD REVIEW															
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL																	
YES	No																		
	<input checked="" type="checkbox"/>																		
MEMBER SITTING		HON	GEN	UOTHC	OTHER	DENY													
██████████						X													
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ISSUES	A92.37 A01.39	INDEX NUMBER	A66.00																
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td>2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td>3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td>4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>				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
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HEARING DATE	14 Apr 2004	CASE NUMBER	FD-2002-0306																

Case heard at Washington, D.C.

Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.

SIGNATURE OF RE ██████████

TO:
SAF/MRBR
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, 3RD FLOOR
ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2002-0306

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change his reenlistment code.

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) at Fort Gillem, Georgia, in April 2004, but failed to respond to formal notification of the hearing date and did not request a postponement.

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

FINDINGS: Upgrade of discharge and change of reenlistment code are denied.

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

ISSUES:

Issues 1, 2 and 3. The records indicated the applicant had two positive drug tests for marijuana over an 11-day period while in an in-patient treatment program for alcohol dependence. Although member requested he be allowed to continue his alcohol treatment after the positive drug tests, he refused to take anti-relapse medications, and subsequently failed to return to the program after an authorized absence. Member also had a Letter of Reprimand for an underage drinking incident that involved assault and possession of another person's driver's license. Applicant now infers his illegal marijuana use was a lapse of judgment due to depression after the death of a friend, and asserts it occurred while he was on leave. While it is understandable that someone experiencing personal problems may have increased stress, there is no evidence applicant used available base agencies such as the Chaplain, Family Support Center or chain of command to help him cope with his stress. The Board found the alleged personal problems of insufficient mitigation to suggest an upgrade. At the time of the discharge, applicant consulted counsel but waived his right to submit statements in his own behalf. Additionally, the Air Force's drug policy was well publicized and members were continually made aware that illegal drug use was not tolerated. Furthermore, member did not request he be considered for retention at the time of the discharge, and had he, it would have been his burden of proof to show he met the seven retention criteria. Applicant now contends his counsel didn't properly advise him of the seven retention criteria nor the possibility of retention. The Board could not find anything in the records to substantiate these issues and finds them without merit. Marijuana use is viewed as a very serious failure to meet Air Force standards; because drug abuse is not compatible with Air Force standards, the characterization of service applicant received is warranted.

Applicant also contends that he should not be penalized indefinitely for mistakes he made when younger and immature, and that he should be allowed to reenter military service. The DRB recognized the applicant was 20 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was as old as the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. And while the Board commends applicant on his desire to return to military service, this is not a basis in inequity or impropriety on which to base an upgrade. Thus, the DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 99/11/19 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge and a Change in RE Code.

2. **BACKGROUND:**

a. DOB: 79/07/23. Enlmt Age: 19 3/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-31, E-61, G-64, M-68. PAFSC: 2A531H - Crew Chief Apprentice. DAS: 99/06/20.

b. Prior Sv: (1) AFRes 98/10/30 - 99/01/05 (2 months 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 99/01/06 for 6 yrs. Svd: 00 Yrs 10 Mo 14 Das, all AMS.

b. Grade Status: A1C - 99/02/20

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 01 SEP 99 - Dereliction of duty (Underage Drinking).

f. CM: None.

g. Record of SV: None.

(Discharged from McGuire AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (00) Mos (20) Das
TAMS: (00) Yrs (10) Mos (14) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/07/14.
(Change Discharge to Honorable and Change the RE Code)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Two Letters of Appreciation.
3. Associate of the Quarter Certificate.
4. Two Character References.

02/11/01/ia



DEPARTMENT OF THE AIR FORCE
605th Aircraft Generation Squadron (AMC)

FD 2002-0306

3 Nov 99

MEMORANDUM FOR AIRMAN FIRST CLASS [REDACTED]

FROM: 605 AGS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for *Drug Abuse*. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation for discharge is approved, your service may 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 09 Sep 99 while attending the Trisarc Addictions Program at Andrews Air Force Base, Maryland for alcohol abuse treatment, you were given a drug urinalysis test. The test indicates positive for use of marijuana.

b. On 20 Sep 99 while attending the Trisarc Addictions Program at Andrews Air Force Base, Maryland for alcohol abuse treatment, you were given a drug urinalysis test. The test indicates positive for use of marijuana.

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 with Capt. [REDACTED] the Area Defense Counsel, at Bldg 2906, 1st floor, on 3 Nov 99 at 1400 hrs. 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 8 Nov 99 (3 workdays from the date of this memorandum) 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 medical examination. You must report to WALSON Hospital - Physical Exams on 4 Nov 99 at 0710.

8. 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 squadron orderly room.

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



Commander

Lt Col, USAF

Attachments:

1. Letter of Reprimand, dated 01 Sep 99
2. Air Force Form 1058, dated 24 Sep 99
3. Trisarc Addictions Service Discharge Summary, dated 24 Sep 99
4. Patient Lab Inquiry, results dated 09 Sep 99
5. Patient Lab Inquiry, results dated 20 Sep 99
6. Airman's Acknowledgment of Notification Memorandum