

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b> AB	<b>AFSN/SSAN</b> [REDACTED]		
<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>		<b>X RECORD REVIEW</b>		
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>NO</b>				
	X				
<b>MEMBERS SITTING</b>			<b>VOTE OF THE BOARD</b>		
			<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>
[REDACTED]			X*		
[REDACTED]			X*		
[REDACTED]			X		
[REDACTED]			X		
[REDACTED]			X*		
<b>ISSUES</b> A94.05		<b>INDEX NUMBER</b> A67.70		<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
				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
<b>HEARING DATE</b> 6 FEB 03		<b>CASE NUMBER</b> FD2000-0168			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.					
<b>REMARKS</b> Case heard at Travis AFB, California. Applicant was scheduled to appear before the DRB, but failed to respond.  Advise applicant of the decision of the Board.  * Change RE Code to 3K.					
<b>SIGNATURE OF RECORDER</b> [REDACTED]			<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]		
<b>INDORSEMENT</b>				<b>DATE: 6 FEB 03</b>	
<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			<b>FROM:</b> 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

FD00-0168

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

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

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

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

The Board finds that neither the evidence of record or that provided by the applicant substantiates an impropriety that would justify a change of discharge. However, after a thorough review of the record, the Board finds that the applicant's character of discharge is inequitable.

**ISSUE:** The applicant was discharged for Misconduct – Drug Abuse. His offenses included receiving an Article 15 for wrongfully inhaling "Dust Off", an aerosol gas propellant, and an Article 15 for wearing a black tee shirt with gold lettering. After a thorough and complete consideration of the information submitted by the applicant and information contained in the record, the Board concluded there was sufficient mitigation and extenuation to substantiate upgrade of the discharge and to change the reason for the discharge. The Board also agreed by a majority of the members, to upgrade the applicant's RE Code.

**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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of the applicant's service is more accurately reflected by an honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority. In addition, the RE Code should be changed to 3K.

Attachment:  
Examiner's Brief

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

(Former AB) MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 98/09/23 UP AFI 36-3206, para 5.54 (Misconduct - Drug Abuse). Appeals for HON Disch.

2. **BACKGROUND:**

a. DOB: 79/08/19. Enlmt Age: 17 1/12. Disch Age: 19 1/12. Educ: HS DIPL.  
AFQT: N/A. A-80, E-89, G-96, M-92. PAFSC: 3E731 - Fire Protection Apprentice.  
DAS: 98/01/05.

b. Prior Sv: AFRes 96/09/30 - 97/06/24 (8 months 25 days) (Inactive .

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 97/06/25 for 4 yrs. Svd: 1 Yrs 2 Mo 29 Das, all AMS.

b. Grade Status: AB - 98/07/28 (ART 15, VACATION, 98/08/24)  
AMN - Unknown.

c. Time Lost: none.

d. Art 15's: (1) 98/08/24, Vacation, [REDACTED] IL - Article 92. You, having knowledge of a lawful order issued by [REDACTED], not to wear your black tee shirt with gold lettering, an order which it was your duty to obey, did, o/a 14 Aug 98, fail to obey the same by wearing the black tee shirt with gold lettering. Rdn to AB. (No appeal) (No mitigation)

(2) 98/07/28, Scott AFB, IL - Article 134. You did, o/a 27 Jun 98, wrongfully inhale "Dust Off," an aerosol gas propellant, which conduct under the circumstances was of a nature to bring discredit upon the Armed Forces. Rdn to AB (susp til 27 Jan 99), forfeiture of \$50.00 pay per month for 2 months and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: none.

f. CM: none.

g. Record of SV: none.  
(Discharged from Scott AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (24) Das  
 TAMS: (1) Yrs (2) Mos (29) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 00/03/30.  
 (Change Discharge to Honorable)

Issue 1: I am -----, and live in -----. I am a veteran of the United States Air Force, having enlisted in June of 1997. I was stationed at Scott Air Force Base in Illinois as a firefighter, and was proud to follow in the footsteps of my grandfathers, who both had served in the Air Force during the Korean and Vietnam Wars, and my father, who was also a firefighter. However, in September of 1998, I was discharged from military service with General under Honorable Conditions after only fifteen months of time in service. I believe that the punishment I received is fair, and am in no way trying to lessen the fault in my conduct, but I would like to have the opportunity to make up for my actions.

On the evening of Jun 27th, 1998, I went to a party that was held at the dormitories on Scott Air Force Base. I became intoxicated, and later in the evening, not being all too aware of what was going on, I inhaled the substance "Dust-Off". "Dust-Off" is an aerosol-powered device used to clean the dust off of computer keyboards, smoke detectors, etc., which I was told the aerosol propellant that it contained would chill your throat, leaving you with a small, harmless "high". This was something completely out of character for me and against my beliefs, and had I not been consuming alcohol that night, I would never have considered the thought. Realizing what had happened later in the evening, I felt very ashamed of what I had done. The next day, those of us that participated in the events of the night before were called in for questioning, and I admitted to my mistake, hoping that I would be able to learn from my mistake and move on. I was given an Article 15 Non-Judicial Punishment for Substance Abuse, since the Uniform Code of Military Justice states that even experimental use of a controlled substance is a punishable offense. I was put on Administrative Probation, which meant that if I made another mistake, I would be demoted to the rank of E-1 (I was an E-2 at the time). Also I was fined two hundred dollars and was put on a work detail around the base for fifteen days. I was on my best behavior for the next two months until one day in August I came in to work out of uniform, wearing an unauthorized t-shirt under my blouse. I had seen similar shirts having been worn around the station, but since I was under Administrative Probation and was being watched closely, I was given a Letter of Reprimand, was demoted to the rank of E-1 and began the discharge process.

When I came home, I began to realize how much I had changed since I had left a year and a half ago. For awhile it was rough getting used to, but being back at home with my family and old friends taught me that there were several things I needed to mend in my life. I had given up alcohol and made some adjustments in my attitude. I set out immediately to look for a job, and soon found work at the local Electric Cooperative as a dispatcher. I then enrolled in the local community college to take classes to obtain an Emergency Medical Technician license. Since graduation, I began to work for the ambulance service. I had remembered that while I was still in the service, both my commanding officer and first sergeant told me that if I were discharged, I would have no problem re-

enlisting with the Army or Marine Corps. I then went to the local Marine recruiter and explained to him why I was discharged, and that I would like the chance to make up for what happened in the Air Force. He looked at my Re-enlistment Code, which is what the military uses to determine whether or not they will take someone back into the service, and said that I would not be able to enlist in the Marine Corps unless I had the Re-enlistment Code upgraded.

I believe that what I have learned from my mistake in the Air Force has made me a better person. That is why I ask you to see what you can do so that I will be able to upgrade my discharge to Honorable, and if possible, upgrade my Re-enlistment Code to make it possible to enlist in the Marine Corps. I understand that the United States government has invested a lot of money on the training I had received in the Air Force, and I would like to be able to return the country's investment.

My state representative, -----, referred me to you, saying that you would be the first step. Any help you can give me, whether it is pointing me in the right direction, or if this is something you think can be taken care of, would be most greatly appreciated.

**ATCH**

none.

00/04/26/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 375TH AIRLIFT WING (AMC)

17 September 1998

MEMORANDUM FOR 375 AW/CC

FROM: 375 AW/JA

SUBJECT: Final Legal Review of Administrative Discharge - [REDACTED]  
[REDACTED], 375th Civil Engineering Squadron

1. I have reviewed [REDACTED] administrative discharge package and find it legally sufficient. This discharge is for drug abuse, pursuant to AFI 36-3208, paragraph 5.54. I recommend you approve the discharge with an under honorable conditions (general) service characterization by signing the attached letter.

2. Basis for Action: On 31 August 1998, [REDACTED] commander, [REDACTED] notified [REDACTED] of his decision to initiate administrative discharge proceedings for drug abuse IAW AFI 36-3208, paragraph 5.54. He acknowledged receipt of notification on 31 August 1998. Respondent has consulted with counsel and has submitted a statement for your consideration.

3. Fact Summary: [REDACTED] is 19 years old and entered the Air Force on 25 June 1997. He has been on continuous active duty since that date. No prior active duty or inactive service is indicated. He is authorized to wear the Air Force Training Ribbon. [REDACTED] is requesting [REDACTED] be discharged for the following reason:

On or about 27 June 1998, he wrongfully inhaled "Dust Off," an aerosol gas propellant, conduct which was of a nature to bring discredit upon the Armed Forces. He received an Article 15 for his misconduct. (Atch 1-2)

4. Other Derogatory Data:

On or about 14 August 1998, he failed to obey a lawful order issued by [REDACTED], not to wear his black tee shirt with gold lettering, by wearing the black tee shirt with gold lettering. For this offense the suspension of his previous Article 15 punishment was vacated. (Atch 1-1)

5. Discussion: AFI 36-3208 gives the initiating commander the following options in dealing with drug abuse cases: (1) seek a waiver of discharge, or (2) initiate discharge on the member.

a. If the member's commander initiates a waiver of discharge, 15 AF/CC is the approval authority. If 15 AF/CC approves the waiver of discharge, then no further action is taken, and the member remains on active duty in the Air Force. If the waiver of discharge is disapproved, then



discharge action must be initiated against the member. [REDACTED] chose not to seek a waiver of discharge in this case.

b. Once discharge action is initiated, the member must be discharged unless he shows to the satisfaction of the separation authority (yourself) that he meets the seven retention criteria described in AFI 36-3208, paragraph 5.55.2.1. [REDACTED] submitted a personal statement, as well as statements of support from his parents, his grandfather, a former employer, and someone who appears to be his high school football coach. [REDACTED] does not specifically address the retention criteria, but states that he has learned his lesson and that he would like to be retained. His friends and family generally attest to his good character. Despite the statements of [REDACTED] and his supporters, I believe retaining him would have a negative impact on morale, good order and discipline in the Air Force. Consequently, I recommend his discharge.

c. In preparing the letter notifying [REDACTED] of his discharge (Atch 1), this office made a clerical error. We properly stated that the discharge was for drug abuse. However, in listing the misconduct that formed the basis for the discharge, we incorrectly cited [REDACTED] disobedience of an order instead of his Dust-off use. We listed the Dust-off use under "Other Derogatory Data." The two incidents should have been reversed. [REDACTED] was informed of this clerical error and has indicated that he does not desire to change his response in any way. This does not affect the legal sufficiency of the discharge.

d. Drug abuse discharges may be characterized as honorable, under honorable conditions (general) or under other than honorable conditions (UOTHC). In determining the appropriate characterization, AFI 36-3208, paragraph 1.18 provides guidance. A general characterization is appropriate when "an airman's service has been honest and faithful" but significant negative aspects of the airman's conduct outweigh positive aspects. [REDACTED] discharge is appropriately characterized as general. He has significantly departed from standards expected of airmen by inhaling Dust Off. Therefore, I recommend that [REDACTED] be discharged for drug abuse with an under honorable conditions (general) service characterization.

6. Probation and Rehabilitation (P&R): The use of P&R is not authorized in this case under AFI 36-3208, Chapter 7.

7. Options: As the separation authority, you must determine whether [REDACTED] committed the offense alleged. If you find that he did not, you must retain him. If you find that he did, you have the following options in this case:

a. Direct the separation of the respondent with an under honorable conditions (general) discharge, without probation and rehabilitation.

b. Direct re-initiation of the discharge proceeding with a recommendation the respondent receive an under other than honorable conditions (UOTHC) discharge.

c. Retain and direct the initiation of a waiver of discharge to be forwarded to 15 AF/CC for final disposition.

8. Recommendation: I recommend you discharge [REDACTED] from the Air Force with an under honorable conditions (general) discharge, without probation and rehabilitation.

[REDACTED]

I concur.

[REDACTED]

Attachment:  
Proposed 375 AW/CC Ltr  
w/1 Atch (case file)



31 Aug 98

MEMORANDUM FOR: [REDACTED]

FROM: 375 CES/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for drug abuse. The authority for this action is AFI 36-3208, paragraph 5.54. If my recommendation for discharge is approved, your service may be characterized as honorable, under honorable conditions (general), or under other than honorable conditions (UOTHC). I am recommending that your service be characterized as general (under honorable conditions).

2. My reason for this action is:

On or about 14 August 1998, you having knowledge of a lawful <sup>order</sup> issued by [REDACTED] not to wear your black tee shirt with gold lettering, an order which it was your duty to obey, did at or near Scott Air Force Base, Illinois, fail to obey the same by wearing the black tee shirt with gold lettering. For this offense your article 15 suspended punishment was vacated. (Atch 1-1)

3. Other Derogatory Data:

a. On or about 27 June 1998, you wrongfully inhaled "Dust Off," an aerosol gas propellant, which conduct under the circumstances was of a nature to bring discredit upon the Armed Forces. For this offense you received an Article 15. (Atch 1-2)

4. 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. If you are discharged, you will be ineligible for reenlistment in the Air Force.

5. 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 the Area Defense Counsel, Bldg 7, on TBD at \_\_\_\_\_ hrs. You may consult civilian counsel at your own expense.

6. You will report immediately to the DEERS Office (Bldg P10) with your discharge package to surrender your Military Identification Card (ID) and the ID Cards of any dependents. You will be issued a temporary ID pending the 375 AW/CC decision on your discharge.
7. You will report to the Transportation Management Office (TMO), Outbound Assignments, to complete a Scott Air Force Base Form 241/Personal Property Appointment Sheet as soon as you receive your separation orders. That worksheet must be completed and returned to TMO as soon as possible.
8. You will report before close of business tomorrow (or the next duty day) to Special Actions at Military Pay, Bldg P-10, room C201, to make arrangements concerning your military pay.
9. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me in three duty days of your receipt of this memorandum unless you request and receive an extension for good cause shown. I will send them to the separation authority.
10. 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.
11. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use in the squadron orderly room.



Attachment:

1. Vacation Action, 24 Aug 98
2. Art 15, 28 Jul 98