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			2 APPLICATION FOR REVIEW OF DISCHARGE					3E	
		-	3 LETTER OF NOTIFICATION						
HEARING DATE 10 JUL 03	CASE NUMBER		4 BRIEF OF PERSONNEL FILE						
	FD2002-00525		COUNSEL'S RELEASE TO THE BOARD ADDITIONAL EXHIBITS SUBMITTED AT TIME OF						
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD2002-00525

GENERAL: The applicant appeals for upgrade of discharge to General (under honorable conditions).

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 nor that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant received an Under Other Than Honorable Conditions (UOTHC) discharge pursuant to his resignation in lieu of trial by court martial, apparently for drug abuse. Applicant noted his periods of honorable enlisted service, his community involvement while in the Air Force, and other accolades and achievements while in the Air Force. He further noted his wife's breast cancer diagnosis and treatment, which led to mental stress and poor judgment regarding his use of an illegal substance as a coping mechanism. This was subsequently revealed via a positive random urinalysis. While the Board agreed that except for the drug abuse, applicant's performance while in the Air Force was good, they also concluded member's misconduct was incompatible with Air Force standards and an extremely significant departure from conduct expected of all military members. As an officer at the time, member would have been well aware of the Air Force's zero tolerance policy for drug abuse. For the period of service under review, his misconduct was sufficient reason for receiving a UOTHC discharge. The Board further notes that applicant voluntarily submitted his resignation in lieu of trial by court martial, thus not attempting to establish his innocence or present his extenuating or mitigating factors. In doing so he acknowledged that under these circumstances his characterization of service could be deemed under other than honorable conditions in accordance with discharge regulations, wherein airmen and officers so discharged usually do have their service characterized as UOTHC. Furthermore, since the discharge documents are not available for review, and lacking any evidence from the applicant to the contrary, the Board must rely on the presumption of regularity and found no wrongful action by the Air Force, and finds the discharge proper and without basis for upgrade.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments and contributions to the community.

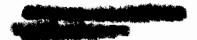
CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

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 2LT) (HGH 2LT)

MISSING DOCUMENTS

1. MATTER UNDER REVIEW: Appl rec'd a UOTH Disch fr USAF 17 Jul 97 UP AFI 36-3207 (Triable by Court Martial). Appeals for General Discharge.

2. BACKGROUND:

- a. DOB: 7 May 65. Enlmt Age: 18 4/12. Disch Age: 32 2/12. Educ: Masters Degree. AFQT: N/A. A-37, E-54, G-41, M-22. PAFSC: 13B3F Command & Control Operations Adjutant. DAS: 13 Aug 95.
 - b. Prior Sv: (1) AFRes 8 Sep 83 7 Jun 84 (9 months) (Inactive).

(2) Enlisted as AB 8 Jun 84 for 4 yrs. Reenlisted as SRA 3 Mar 88 for 4 yrs. Reenlisted 5 Dec 91 for 4yrs. Extended 6 Dec 94 for 3 months. Svd: 11 yrs 2 months 3 days, all AMS. Amn - 8 Dec 84. AlC - 8 Aug 85. SrA/Sgt-(APR Indicates): 8 Jun 87-7 Jun 88. SSgt-(EPR Indicates): 6 Sep 90-30 Aug 91. TSgt - 1 Jul 94. APRs: 9,9,9,9. EPRs: 5,5,5,5,5.

3. SERVICE UNDER REVIEW:

- a. Ordered to EAD as 2Lt 11 Aug 95. Svd: 1 Yrs 11 Mo 6 Das, all AMS.
- b. Grade Status: None.
- c. Time Lost: None.
- d. Art 15's: None.
- e. Additional: Unknown.
- f. CM: None.
- g. Record of SV: 11 Aug 95 10 Aug 96 Hurlburt Field NE (Annual) REF

(Discharged from Hurlburt Field)

- h. Awards & Decs: AFAM W/1 DEV, AFCM W/1 DEV, AFLSA W/2 DEVS, AFTR, AFOSTR, NDSM, AFOUA.
 - i. Stmt of Sv: TMS: (13) Yrs (10) Mos (10) Das TAMS: (13) Yrs (1) Mos (10) Das
 - 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 2 Dec 02. (Change Discharge to General)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

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