

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A92.11, A92.03, A92.15, A92.19, A93.09, A92.37	INDEX NUMBER A74.00	EXHIBITS SUBMITTED TO THE BOARD		
		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	
HEARING DATE 10 JUL 03		CASE NUMBER FD2002-00525		

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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 and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDING OFFICER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
INDORSEMENT	
DATE: 10 JUL 03	

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 RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

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: 5,5,5,5,5,5.

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.

9APR03/ia