

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
--	--------------------	--------------------------------

TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		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 A93.17	INDEX NUMBER A66.00	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	

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 Scott AFB, Illinois.

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

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
--	---

INDORSEMENT	DATE: 4 JUN 03
--------------------	-----------------------

TO: SAF/MBR 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
---	---

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0130

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

The applicant's appeal was heard by the Discharge Review Board (DRB), at Scott AFB, IL on June 3, 2003. The applicant did not appear.

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

FINDINGS: Upgrade of discharge to Honorable is denied.

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

ISSUES: The applicant was discharged with a General Discharge for misconduct and, more specifically, drug abuse. Member received an Article 15 for use of ecstasy, a Schedule I controlled substance. After being served with notice of the discharge the applicant neglected to submit statements or consult counsel. Applicant now states that he should have been given an honorable discharge because he was led to believe he was being given an honorable characterization. The DRB, however, could discern no evidence of impropriety in the processing of his discharge case. Nor was there any other indication of an inequity or impropriety of any other sort. The DRB concluded that the characterization of the applicant's discharge was appropriate given the nature of the applicant's 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.

Attachment:
Examiner's Brief

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

[REDACTED]
[REDACTED]
(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 02/03/06 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 80/08/17. Enlmt Age: 20 2/12. Disch Age: 21 6/12. Educ:HS DIPL. AFQT: N/A. A-72, E-75, G-78, M-76. PAFSC: 6C011 - Contracting Helper. DAS: 01/12/07.

b. Prior Sv: none.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 00/10/24 for 4 yrs. Svd: 01 Yrs 04 Mo 13 Das, all AMS.

b. Grade Status: AB - 01/12/07 (Article 15, 01/12/07)
AMN - Unknown.

c. Time Lost: none.

d. Art 15's: (1) 01/12/07, Keesler AFB, MS - Article 112a. You, did, on or about 25 Dec 01 and on or about 31 Dec 01, wrongfully use ecstacy, a Schedule I controlled substance. Rdn to AB, forfeiture of \$300.00 pay. Fourteen days extra duty (suspended until 6 Jun 02). (No appeal) (No mitigation)

e. Additional: none.

f. CM: none.

g. Record of SV: none.

(Discharged from Lackland AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (04) Mos (13) Das
TAMS: (01) Yrs (04) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/03/13.
(Change Discharge to Honorable)

Issue 1: I believe that I should have received an honorable discharge as

per -----, GS-05 for the Retirement Separations (sic) Division shows that box 14 of AF Form 100 was checked honorable. I feel this is an error of my discharge document (DD 214). Also I would like to note that I did not serve a total of 4 years active duty. Please make the appropriate (sic) corrections to my discharge document. If you have any questions, please call.

ATCH

1. Certificate of Recording.
2. DD Forms 214 (Member 1 & 4).
3. AF Form 100, Request and Authorization For Separation
4. USAF Drug and Alcohol Abuse Certificate.

02/07/03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

18 DEC 2001

MEMORANDUM FOR 37 TRG/CC

FROM: 37 TRW/JAM

SUBJECT: Legal Review of Administrative Discharge Under AFPD 36-32 and AFI 36-3208,
Para 5.54 (AB [REDACTED])

1. Subject case file has been reviewed and found to be legally sufficient to support separation, subject to inclusion in the file of a report of medical examination showing respondent to be physically qualified for worldwide duty.

RECOMMENDATION

2. I recommend that respondent be separated from the service with an **Unfavorable** honorable **Conditions (General) discharge.**

[REDACTED SIGNATURE]
[REDACTED]
[REDACTED] Capt, USAF
Ass. Staff Judge Advocate

Attachment:
Case File



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

13 Dec 01

MEMORANDUM FOR AB [REDACTED]

FROM: 345 TRS/MTF

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force, **Drug Abuse**. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your discharge will be described as **an Under Honorable Conditions (General) discharge**.

2. My reasons for this action is that between on or about 25 Dec 2000 and on or about 31 Dec 2000, you did at or near Keesler Air Force Base, Mississippi, wrongfully use ecstasy, a Schedule I controlled substance. For this you received an Article 15 dated 07 Dec 2001. Your punishment was forfeiture of \$300.00 pay, reduction to the grade of E-1, and 14 extra duty days.

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 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.

4. You have the right to consult counsel. Military legal counsel can be obtained to assist you. I can make an appointment for you to consult the Area Defense Counsel (ADC) at Bldg 1000 on _____ at _____ hours. 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 (allow 3 workdays) 18 Dec 01 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 the Reid Clinic (Bldg 6612) for the examination.

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 Unit Orderly Room.

FD 2002-0130

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


 Captain, USAF
Commander, Military Training Flight

Attachments:

1. Article 15 dated 07 Dec 01.
2. AETC Form 125A dated 20 Sept 01.