


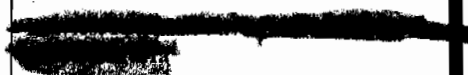





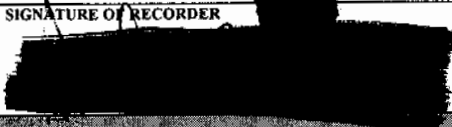
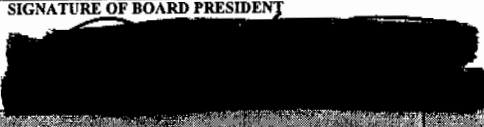


AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE AB	AFSN/SSAN 					
TYPE GEN	<input checked="" type="checkbox"/> PERSONAL APPEARANCE		RECORD REVIEW					
COUNSEL YES NO X		NAME OF COUNSEL AND OR ORGANIZATION 		ADDRESS AND OR ORGANIZATION OF COUNSEL 				
MEMBERS SITTING			VOTE OF THE BOARD					
			HON	GEN	UOTHC	OTHER	DENY	
			X+					
			X+					
			X+					
					X			
			X+					
ISSUES A94.06		INDEX NUMBER A 66.00	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				
			HEARING DATE 032703		CASE NUMBER FD20020323	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 RATIONAL								
REMARKS Case heard at Washington, D.C. + Change reason for discharge to "Secretarial Authority" Advise the applicant of the Board's decision.								
SIGNATURE OF RECORDER 			SIGNATURE OF BOARD PRESIDENT 					
ENDORSEMENT				DATE: 032703				
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					

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0323

GENERAL: The applicant appeals for an upgrade of his general discharge to honorable. The applicant appeared and testified before the Board, with counsel, at Andrews AFB, MD, on March 20, 2003. The applicant's counsel, Mr. [redacted], is an attorney and is also the applicant's father.

At the hearing, the applicant submitted the following documentary evidence: Copy of a Fairmont State College diploma, a letter from [redacted], and a Fairmont State College Dean's List Certificate.

The attached brief contains the available pertinent data on the applicant, the factors leading to the discharge, and the issues he submitted for review.

FINDINGS: The applicant's request to change the characterization of his discharge to honorable is granted. The DRB changed the narrative reason for the applicant's separation from "misconduct" to "Secretarial Authority."

Issue: The applicant contends the evidence does not support the reason for discharge. The applicant accepted nonjudicial punishment for marijuana use. The primary evidence against the respondent consisted of two witnesses who stated they observed the applicant smoke marijuana and a third witness who observed the applicant with a bong between his legs. After carefully reviewing the witness statements and hearing the compelling testimony of the applicant, the Board was not convinced the evidence supported the discharge action. Based upon this finding, the Board concluded an inequity exists which requires corrective action.

The Board also reviewed and considered the applicant's entire service record before making a decision.

CONCLUSIONS: The Board concludes the respondent's discharge characterization should be upgraded from general to honorable. The Board further concludes the narrative reason for the separations should be changed from "misconduct" to "Secretarial Authority."

Attachment:
Examiner's Brief

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

MISSING DOCUMENTS

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 98/07/22 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 78/08/13. Enlmt Age: 18 0/12. Disch Age: 19 11/12. Educ: HS DIPL. AFQT: N/A. A-85, E-87, G-82, M-59. PAFSC: 2A635 - Aircraft Pneudraulic Systems. DAS: 97/03/23.

b. Prior Sv: (1) AFRes 96/08/27 - 96/11/19 (2 Mos 23 Days) (Inactive)

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 96/11/20 for 4 yrs. Svd: 1 Yr 8 Mos 3 Das, all AMS.

b. Grade Status: AB - 98/06/11 (Article 15, 98/06/11)
 A1C - 98/03/20
 AMN - 97/05/20

c. Time Lost: None.

d. Art 15's: (1) 98/06/11, Charleston AFB, SC - Article 112a. You did, on divers occasions, between on or about 1 Jan 98 and on or about 4 Apr 98, wrongfully use marijuana. Reduction to the AB, forfeiture of \$463.05 pay per month for 2 months, and restriction for 45 days. (Appeal Denied) (No mitigation)

e. Additional: (Examiner's Note: Information obtained from Notification Memorandum)

LOR, 27 APR 98 - UNKNOWN
 MFR, 13 JAN 98 - UNKNOWN
 RIC, 07 JAN 98 - UNKNOWN
 RIC, 22 SEP 97 - UNKNOWN

f. CM: None

g. Record of SV: None

(Discharged from Charleston AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (1) Yr (10) Mos (26) Das
TAMS: (1) Yr (8) Mos (3) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/07/24.
(Change Discharge to Honorable)

Issue 1: I was charged and punished for violation of Article 112a UC J. However, My urinalysis that I consented to during my interview with MSgt --- came back 100% clean.

Issue 2: I cooperated fully with authorities, followed all of the AD's advice, and did everything possible to prove my innocence to no avail.

Issue 3: Upon discharge, I was enrolled in college in less than a month and will graduate in Aug 2002 with a 3.2 overall GPA.

Issue 4: I feel that my current discharge classification could have negative impact on my ability to gain employment with a firm utilizing the managerial (sic) Finance degree that I expect to receive in Aug 2002.

Issue 5: I wish for my records to be expunged, my discharge to be changed to honorable, and my education benefits to be made available to me so that I may put this incident behind me and pursue a career in the Managerial Finance field.

ATCH

1. Discharge Information.
2. Arguments for Discharge Board.
3. Urinalysis Results.
4. College Transcripts.
5. Employment Records.
6. Character References.

02/11/1 /cr



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 437TH AIRLIFT WING (AMC)

JUN 23 1998

MEMORANDUM FOR [REDACTED]

FROM: 637 AGS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically 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 will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reason for this action is:

Between on or about 1 January 1998 and on or about 4 April 1998, you wrongfully used marijuana. For this offense, you received an Article 15, dated 1 June 1998 (Atch 1).

*missed
div 15
↓
note as
error*

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.

3. 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 [REDACTED] the Area Defense Counsel, 963-4416, Building 503, Room 119 on 24 June 1998 at 0800. You may consult civilian counsel at your own expense.

4. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 26 JUN 98 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.

MA 1

6. You have been scheduled for a separation briefing at Personnel Relocations Bldg 503, at 1400 on 26 June 1998.
7. You have been scheduled for a medical examination. You must report to 437th Medical Group, Physical Exams at 0715 on 25 June 1998 for the examination.
8. Your Transition Assistance Briefing was completed on 30 June 1998 at 0830 in the Family Support Center, Building 255, with Mr. Wright.
9. Any personal information you furnish in rebuttal is covered by the Privacy Act as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use at 637th Aircraft Generation Squadron Orderly Room.
10. Execute the attached acknowledgment and return it to me immediately.



Commander

Attachments:

1. Documents Supporting Basis for Discharge
Article 15, w/atchs, dated 11 Jun 98 -
2. Additional Derogatory Information -
 - a. Record of Individual Counseling, dated 22 Sep 97 -
 - b. Record of Individual Counseling, dated 7 Jan 98 -
 - c. Memo for Record, dated 13 Jan 98 -
 - d. Letter of Reprimand w/atchs, dated 27 Apr 98 -
 - e. UIF w/atch, dated 7 May 98 -
3. Airman's Receipt of Notification -