

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██	GRADE AB	AFSN/SSAN ████████████████████
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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
					X
					X
					X
					X
					X

ISSUES A01.00, A95.00	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 RATIONALE 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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER <i>[Handwritten Signature]</i>	SIGNATURE OF BOARD PRESIDENT <i>[Handwritten Signature]</i>
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INDORSEMENT	DATE: 11 APR 03
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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

FD2001-0434

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 is denied.

The board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issue. The Board finds that the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the board was able to identify none. The records indicated the applicant received one Article 15 for misconduct. The misconduct included unlawful use of marijuana on divers occasions. The DRB opined that drug abuse is not compatible with military service. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

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, 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

[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN [REDACTED] fr USAF 18 JAN 01 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Dec 79. Enlmt Age: 17 10/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-90, E-43, G-44, M-68. PAFSC: 2A651A - Aerospace Propulsion Journeyman. DAS: 24 Nov 98.

b. Prior Sv: (1) AFRes 24 Oct 97 - 7 Jul 98 (8 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Jul 98 for 6 yrs. Svd: 2 Yrs 6 Mos 11 Das, all AMS.

b. Grade Status: AB - 4 Dec 00 (Article 15, 4 Dec 00)
A1C - 22 Aug 98

c. Time Lost: None.

d. Art 15's: (1) 4 Dec 00, Dover AFB, DE - Article 112a. You did, within the continental United States, between on or about 1 Oct 00, and on or about 13 Oct 00, wrongfully use marijuana. Reduction to AB, 10 days restriction, and 20 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 8 Jul 98 - 15 Jan 00 Dover AFB 5 (HAF Dir)

(Discharged from Dover AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (26) Das
TAMS: (2) Yrs (6) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Oct 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

FD2002-0434

ATCH
None.

21JAN03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 436TH AIRLIFT WING (AMC)

3 Jan 01

MEMORANDUM FOR [REDACTED]

FROM: 436 CRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for drug abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.54. If you are discharged, your discharge will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reason for this action is that between on or about 1 October 2000 and on or about 13 October 2000, you wrongfully used a controlled substance, specifically marijuana. For this misconduct you received an Article 15 on 4 December 2000. 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, and any special pay, bonus, or education assistance funds may be subject to recoupment.

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] Dover AFB Area Defense Counsel, at Bldg. 263, Room 313, 677-6995, on 3 January 2001 at 0930. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 8 JAN 01 (3 duty days) 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 in your own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a medical examination on 5 January 2001 at 0845 in building 305, Flight Medicine. Your appointment will be with [REDACTED]. Report to the Flight Surgeons office 1 hour prior to this appointment to fill out the proper documents. If you have any questions or need to reschedule this appointment, please call [REDACTED].

7. 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 Orderly Room.

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



Attachments:

1. Supporting Documents:

- a. AF Form 3070, Nonjudicial Punishment Action w/atchs, dated 4 December 2000
- b. AF Form 1168, Statement of Suspect, dated 30 October 2000
- c. Urinalysis Results, dated 20 October 2000
- d. DD Form 2624, Specimen Custody Document, dated 13 October 2000

2. Airman's Receipt of Notification Memorandum