

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">COUNSEL</td> <td rowspan="3" style="padding: 5px;">NAME OF COUNSEL AND OR ORGANIZATION</td> <td rowspan="3" style="padding: 5px;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;">X</td> </tr> </table>	COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	NO		X		
COUNSEL		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
					X
					X
					X
					X
					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	
HEARING DATE 9 APR 03	CASE NUMBER FD2002-0480			

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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

INDORSEMENT	DATE: 9 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

FD02-0480

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 discharge is denied.

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

ISSUE: The applicant does not contest his discharge; he states that since his discharge, he has been a positive, productive member of society and has bettered himself significantly and wishes to continue to do so. He also states that he has successfully maintained a telecommunications engineer position since 1997. And, he would like to be able to use his G.I. Bill Benefits. The records indicated the applicant received an Article 15 for wrongfully using marijuana. The Board concluded the misconduct of the applicant appropriately characterized his term of service. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement indicating the he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade.

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

MISSING MEDICAL RECORDS

(Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 14 Aug 97 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 17 May 75. Enlmt Age: 18 3/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-86, E-88, G-64, M-91. PAFSC: 2E131 - Satellite & Wideband Communications Equipment Apprentice. DAS: 20 Mar 95.

b. Prior Sv: (1) AFRes 17 Aug 93 - 30 May 94 (9 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 31 May 94 for 4 yrs. Svd: 3 Yrs 2 Mo 15 Das, all AMS.

b. Grade Status: AMN - 2 May 97 (Article 15, 2 May 97)
 SRA - 30 Sep 96

c. Time Lost: None.

d. Art 15's: (1) 2 May 97, Robins AFB, GA - You did, between on or about 21 Feb 97 and 21 Mar 97, wrongfully use marijuana. Reduction to Airman. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 31 May 94 - 30 Jan 96 Robins AFB 4 (Initial)
 31 Jan 96 - 30 Jan 97 Robins AFB 4 (Annual)

(Discharged from Robins AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (3) Yrs (11) Mos (29) Das
 TAMS: (3) Yrs (2) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 Oct 02.
 (Change Discharge to Honorable)

Issue 1: I would like to take this opportunity to appeal to you in hopes of my discharge being changed to Honorable. Since my discharge I have been a

positive, productive member of society and have bettered myself significantly and wish to continue doing so. I have successfully maintained a Telecommunications Engineer position with ----- dating back to November 1997. I wish to continue this by attending ----- University to obtain a Master's degree. I would like to use my GI Bill benefits, however I cannot do this with a General Under Honorable Conditions status, my request was denied. I would like to ask you please review my records and attached character references in hopes that you can help me continue to better myself. Thank you.

ATCH

1. DD Form 149.
2. Three Letters of Recommendation.

11JAN03/ia



DEPARTMENT OF THE AIR FORCE
HQ Warner Robins Air Logistics Center (AFMC)
Robins Air Force Base Georgia

FD 2002-0480



21 May 1997

MEMORANDUM FOR AMN [REDACTED], 54 CBCS


FROM: 54 CBCS/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 my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action is you did, at or near Warner Robins, Georgia, between on or about 21 February 1997 and 21 March 1997, wrongfully use marijuana. For this you received an Article 15, Uniform Code of Military Justice, Nonjudicial Punishment dated 2 May 1997.
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 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.
4. 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] at the Area Defense Counsel, building 368, ext 6-5852, on 21 May 1997 at 1430 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 27 May 1997 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 physical examination on 22 May 1997 at 0700 hours. You must report to Physical Exams Section, Building 207. You must be in uniform and have your medical records with you.

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 at the Area Defense Counsel or your unit orderly room.



Commander

2 Attachments:

1. Supporting documents
Art 15, dtd 2 May 97 w/atchs
2. Airman's Receipt of Notification Memorandum