

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
-------------	----------------------------	------------------------

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 A94.05	INDEX NUMBER A66.00	EXHIBITS SUBMITTED TO THE BOARD
		1 ORDER APPOINTING THE BOARD
		2 APPLICATION FOR REVIEW OF DISCHARGE
		3 LETTER OF NOTIFICATION
HEARING DATE 1 MAY 03	CASE NUMBER FD2002-0492	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	SIGNATURE OF BOARD PRESIDENT

INDORSEMENT	DATE: 1 MAY 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
--	---

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0492

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change the Reason and Authority for discharge and change the RE Code.

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: Applicant contends that his discharge was too harsh because he wasn't on duty and was at a keg party and was caught. He believes that this was not a severe incident to warrant a discharge. The record indicates the applicant received an Article 15 for wrongfully using marijuana. Drug abuse is incompatible with military service and airmen who abuse drugs one or more times are subject to discharge for misconduct. The presence in the military environment of persons who engage in drug abuse seriously impairs accomplishing the military mission. The applicant was not eligible for probation and rehabilitation due to the fact that he used marijuana on two separate occasions and admitted to pre-service use of marijuana five (5) times. 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. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the discharge.

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

[REDACTED]

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 16 Nov 01 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 1 Feb 82. Enlmt Age: 18 0/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-59, E-49, G-32, M-32. PAFSC: 3C131 - Radio Communications System Apprentice. DAS: 3 Dec 00.

b. Prior Sv: (1) AFRes 18 Feb 00 - 7 Aug 00 (5 Months 21 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AMN 8 Aug 00 for 4 yrs. Svd: 1 Yr 3 Mos 9 Das, all AMS.

b. Grade Status: AB - 9 Oct 01 (Article 15, 9 Oct 01)
A1C - 8 Jun 01

c. Time Lost: None.

d. Art 15's: (1) 9 Oct 01, Hurlburt Fld, FL - Article 112a. You did, within the continental United States, between on or about 15 Jun 01, and on or about 13 Aug 01, wrongfully use marijuana. Reduction to AB. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Hurlburt Fld)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yr (9) Mos (0) Das
TAMS: (1) Yr (3) Mos (9) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 4 Nov 02.

(Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

FD2002-0492

Issue: I wasn't on duty and was at a keg party and was caught. I self admitted to smoking marijuana. I believe that this was not a severe incident to warrant a discharge that I received. I want to rejoin the service but cannot due to the fact I received this discharge. I would like my discharge upgraded. My records indicatee (sic) that I was a perfect example of an airman.

ATCH

None.

14Feb03/cr



DEPARTMENT OF THE AIR FORCE
16th COMPONENT REPAIR SQUADRON (AFSOC)

29 OCT 2001

MEMORANDUM FOR AB [REDACTED]

FROM: 16 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, more specifically, for drug abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, section H, 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 that between on or about 15 Jun 01 and on or about 13 Aug 01, you wrongfully used marijuana, for which you received punishment under Article 15, dated 9 Oct 01, and an Unfavorable Information File (UIF) was established. This is the sole basis in determining that you should be discharged and the characterization of your discharge.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. 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 the Area Defense Counsel, Hurlburt Field, FL, Bldg 90042, 884-5216/5217, on 30 Oct 01 at 1030 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three workdays 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 are scheduled for a medical examination and you should report to the Hurlburt Clinic at 1420 hrs on 30 Oct 01 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 will be provided upon your request.

[REDACTED]
[REDACTED]
Commander

Attachments:

Documents supporting basis for discharge

1. AF Form 1137, undated (1p.)
2. AF Form 3070, dtd 9 Oct 01 (3p.)
3. OSI ROI#01309D17-S953577 (15p.)
4. Airman's receipt of notification memorandum