	Al	IR FORCE DISCHARGE R	REVIEW BOARD	HEAF	RING RECO	ORD			
NAME OF SER	G	RADE	AFSN/SSA	N					
				1C					
ТУРЕ			· · · · · · · · · · · · · · · · · · ·				**		
UOTHC PERSONAL APPEARANCE			x	X RECORD REVIEW					
COUNSEL NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL					
YES NO	-								
	MEM	IBERS SITTING		HON	VOTE O	UOTHC	OTHER	DENY	
								X	
								X	
								X	
							<u> </u>	X	
								X	
ISSUES		INDEX NUMBER			EXHIBITS SUBM			-	
A93.17, A92.	.21, A92.37	A66.00	1	ORD	ER APPOINTIN	R APPOINTING THE BOARD			
			2	APPI	ICATION FOR REVIEW OF DISCHARGE				
			3	LETT	ER OF NOTIFICATION				
HEARING DATE CASE NUMBER			4	4 BRIEF OF PERSONNEL FILE					
03-05-21		FD2002-0494			INSEL'S RELEASE TO THE BOARD				
	1				ITIONAL EXHIBITS SUBMITTED AT TIME OF ONAL APPEARANCE				
	•			TAPE	RECORDING OF	PERSONAL A	PPERANCE HE	EARING	
APPLICANT'S ISSUE	AND THE BOARD'S DEC	ISIONAL RATIONAL ARE DISCUSSED ON	THE ATTACHED AIR FORCE	DISCHAR	GE REVIEW BOAR	D DECISIONAL I	RATIONALE		
Advise applic	it Washington, D cant of the decision	on of the Board, the right to	a personal appea	rance [,]	with/without	t counsel, a	nd the righ	it to	
TO:		NDORSEMENT	SIG	, , , , , , , , , , , , , , , , , , ,	T.) ATE: 03-0:	-22	
SAF/MI 550 C S' RANDO	SEC AIR 153	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

FD2002-0494

GENERAL: The applicant appeals for upgrade of discharge to under honorable conditions (general).

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

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

FINDINGS: Upgrade of discharge is denied.

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

Issues. Applicant was discharged for misconduct, drug abuse. Member provided a signed sworn statement to the Air Force Office of Special Investigations in which he admitted using crystal-methamphetamine (also known as "crank") over a 5-month period while on active duty in the Air Force. In this same statement, member also admitted using marijuana over a 1-year period while on active duty. Member's submission of a conditional waiver of his right to an administrative discharge board in return for a general discharge was denied. He met an administrative discharge board that determined he did commit the admitted drug abuse and should receive an under other than honorable conditions discharge, which he did. Applicant admits he made a stupid mistake years ago and it has been tough getting his life back together. Applicant also notes potential future employment options are adversely affected by his characterization of discharge. Because the member received an administrative discharge, not a punitive discharge, the Board must find an inequity or impropriety on which to base an upgrade; clemency is not available as a reason for upgrading an administrative discharge. The Board noted that member's repeated drug abuse over a lengthy period of time was serious misconduct and was not compatible with Air Force standards. The Air Force's drug policy was well publicized and all members were continually made aware that illegal drug use was not tolerated. The Board finds the discharge proper.

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



(Former AlC) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a UOTH Disch fr USAF 4 Jan 88 UP AFR 39-10, para 5-49c (Misconduct - Commission of a Serious Offense - Drug Abuse). Appeals for General Disch.

2. BACKGROUND:

- a. DOB: 6 Jan 66. Enlmt Age: 19 4/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-74, E-72, G-59, M-78. PAFSC: 57150 Fire Protection Specialist. DAS: 5 Jan 86.
 - b. Prior Sv: (1) AFRes 14 May 85 2 Sep 85 (3 months 20 days) (Inactive).

3. SERVICE UNDER REVIEW:

- a. Enlisted as AB 3 Sep 85 for 4 yrs. Svd: 2 Yrs 4 Mos 1 Das, of which AMS is 2 yrs 4 months 15 days(excludes 16 days lost time).
 - b. Grade Status: A1C 5 Jan 87 AMN - 1 Mar 86
 - c. Time Lost: 18 Dec 87 thru 3 Jan 88 (16 days).
 - d. Art 15's: None.
 - e. Additional: Traffic Ticket, 21 MAR 86 Speeding.
 - f. CM: None.
 - g. Record of SV: 3 Sep 85 2 Sep 86 Edwards AFB 7 (Annual)
 3 Sep 86 2 Sep 87 Edwards AFB 6 (Annual)REF

(Discharged from Edwards AFB)

- h. Awards & Decs: AFOUA, AFTR.
- i. Stmt of Sv: TMS: (2) Yrs (7) Mos (6) Das TAMS: (2) Yrs (3) Mos (15) Das
- 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 18 Nove 02. (Change Discharge to General)

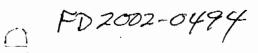
Issue 1: On 4 Jan. 1988 I recieved (sic) an other than Honorable Discharge from the Air Force. Since then I have tried to get my life straightened out. I've entered drug rehabilation (sic) programs as Inpatient at ---- Center of

Cooledge Arizona. I gave it a chance to help but all the staff wanted to do was subitute (sic) one addictive drug for the one I was hooked on. Consequently I left the program before I was supposed to do so. I started attending V.A. meetings on a regular schedule. Again I found that I could not continue because pushers used to wait for us after the meeting. I finally made a tough decision, I decided to go "Cold Turkey." That was over 5 years ago, today I'm clean and have had no brushes with the law as my arrest record and my driver's record will show. It's been tough getting my life together after making a stupid mistake years ago. Whether I get any assistance from you or not, I think I made the right decision 5 years ago and its been worth it. I've found that with a bad discharge from the service I can't get a decent employment offer. So I am asking that you may reconsider my seperation (sic) and strike out the reference to drug related seperation (sic) to honorable. Any consideration by you would be deeply appreciated.

ATCH

- 1. Supplemental Information.
- 2. Personal Information.

18JAN03/ia





DEPARTMENT OF THE AIR FORCE 6510TH CIVIL ENGINEERING SQUADRON (AFSC) EDWARDS AIR FORCE BASE, CALIFORNIA 93523

REPLY TO ATTN OF: CC

TO:

3 0 SEP 1987

SUBJECT: Letter of Notification Board Hearing

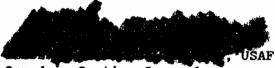
6510th Civil Engineering Squadron

- 1. I am recommending your discharge from the United States Air Force for drug abuse. The authority for this action is AFR 39-10, paragraph 5-49c. Copies of the documents to be forwarded to the separations authority to support this recommendation are attached.
- 2. My reasons for this action are:
- a. Use and possession of a controlled subtance. (14 July 87)
 Investigation revealed that while a member of the United States Air Force
 during your current enlistment, you used "crank" (amphetamines) and marijuana
 on numerous occasions. (Atch 1)
- 3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exerising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the Air Force.
- 4. This action could result in your separation with an other than honorable discharge. I am recommending that you receive an other than honorable discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.
- 5. You have the right to:
 - a. Consult Legal Counsel.
 - b. Present your case to an administrative discharge board.
 - c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

(PD 2002-0494

- 6. You have been scheduled for a medical examination. You must report to the flight surgeons office at 0800 on 20ct87
- 7. Military legal counsel, An appointment has been scheduled for you to consult him on 10c+87 0970 hrs. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFM 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.
- 8. Confer with your counsel and reply, in writing within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before and an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.
- 9. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the Squadron Orderly Room.

10. Execute the attached acknowledgement and return it to me immediately.



Squadron Section Commander

2 Atch

1. OSI Investigation

2. Airman's Acknowlegement