

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AB</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES		
NO	<b>X</b>	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>

ISSUES <b>A93.17</b>	INDEX NUMBER <b>A66.00</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; padding: 5px; text-align: center;"><b>1</b></td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>2</b></td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>3</b></td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>4</b></td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<b>1</b>	ORDER APPOINTING THE BOARD	<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	<b>3</b>	LETTER OF NOTIFICATION	<b>4</b>	BRIEF OF PERSONNEL FILE		COUNSEL'S RELEASE TO THE BOARD		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		TAPE RECORDING OF PERSONAL APPEARANCE HEARING
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HEARING DATE <b>8 APR 03</b>	CASE NUMBER <b>FD2002-0519</b>																	

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: <b>8 APR 03</b>
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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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0519

**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 the discharge; he states that because of verbal assaults and mistreatment from his peers, he became depressed and turned to drug use. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received an Article 15 for wrongfully using marijuana. The Board concluded the drug abuse was a significant departure from the conduct expected of all military members. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

**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 21 Dec 01 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 6 Apr 80. Enlmt Age: 20 0/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-46, E-38, G-36, M-42. PAFSC: 2A631D - Aerospace Propulsion Jet Engines Apprentice. DAS: 31 Oct 00.

b. Prior Sv: (1) AFRes 20 Apr 00 - 26 Apr 00 (7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Apr 00 for 6 yrs. Svd: 1 Yrs 7 Mo 25 Das, all AMS.

b. Grade Status: AB - 26 Nov 01 (Article 15, 26 Nov 01)  
A1C - 9 Jun 00

c. Time Lost: None.

d. Art 15's: (1) 26 Nov 01, Seymour Johnson AFB, NC - Article 112a. You did, between on or about 9 Sep 01 and on or about 9 Oct 01, wrongfully use marijuana. Reduction to AB. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Seymour Johnson AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (8) Mos (2) Das  
TAMS: (1) Yrs (7) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 25 Nov 02.  
(Change Discharge to Honorable)

Issue 1: I would like for the board to consider the situation leading to discharge.

FD2002-0519

**ATCH**

1. Response to Discharge Notification.
2. Three Character References.

26FEB03/ia



DEPARTMENT OF THE AIR FORCE

4TH FIGHTER WING (ACC)  
SEYMOUR JOHNSON AIR FORCE BASE NC

FD 2002-0519

06 DEC 2001

MEMORANDUM FOR AB [REDACTED] CRS

FROM: 4 CRS/CC

SUBJECT: Notification Memorandum

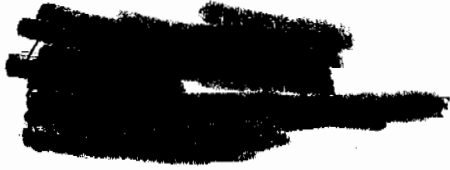
1. I am recommending your discharge from the United States Air Force for misconduct, specifically drug abuse. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.54. Pursuant to table 1.3 and paragraph 5.48 of AFI 36-3208, your service can be characterized as honorable, general or under other than honorable conditions. I am recommending your service be characterized as general.
2. My reason for this action: Between on or about 9 September 2001 and on or about 9 October 2001, you wrongfully used marijuana for which you received Article 15 punishment. These actions are documented by an AF Form 3070, dated 16 November 2001, with attachment (Tab 1a).
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 [REDACTED] Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on 11 Dec 01 (date) at 1000 (time). You may consult civilian counsel at your own expense. *Jim*
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 11 Dec 01/1430 (allow three duty days) 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 mandatory medical examination at the Physical Examination Section, 4th Medical Group, Seymour Johnson AFB, at 0840 hours on 10 December 2001. You are scheduled for a mandatory follow-up examination at Family Practice (Gold Team) at 0940 hours on 10 December 2001 with Dr Witt. You must report 15 minutes prior to each appointment time.

*Global Power For America*

8. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 4 December 2001 @ 0800 hours. You must report to [REDACTED] at building 3602 for your TAPs counseling.

9. 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 unit orderly room or the Area Defense Counsel office.

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



**Attachments:**

**Supporting Documentation:**

- a. AF Form 3070, dated 16 November 2001 w/atch