

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE SRA	AFSN/SSAN [REDACTED]			
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES A94.53		INDEX NUMBER A66.00		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 03-04-30		CASE NUMBER FD2002-0522		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						
<p>Case heard at Washington, D.C.</p> <p>Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel.</p> <p>DD Form 149 submitted. The case will be forwarded to the AFBCMR for further processing.</p>						
SIGNATURE OF RECORDER [REDACTED]				SIGNATURE OF BOARD MEMBER [REDACTED]		
INDORSEMENT				DATE: 03-05-02		
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

FD2002-0522

GENERAL: The applicant appeals for upgrade of discharge to honorable.

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 commission of a serious offense, namely drug abuse. Member had a commander-directed urinalysis that came back positive for the presence of cocaine above the DoD cut-off level. Furthermore, applicant was a noncommissioned officer at the time of this misconduct. Member had other misconduct such as failing to pay his rent on time, failing to pay his NCO club bill, disrespect to a senior noncommissioned officer, conduct unbecoming a noncommissioned officer, making a suicidal gesture for which he had to be air evacuated to Wilford Hall Medical Center for in-patient treatment, and he had a second urinalysis positive for amphetamine and methamphetamine. For these incidents, member had several Letters of Counseling and Reprimand, and an Unfavorable Information File. During this period of service, member made statements that he didn't care about the Air Force, wouldn't take his Weighted Airman Promotion System test, and would write his own discharge if the Air Force didn't give him a discharge. During his mental health treatment, he stated the cocaine incident was purposeful to cause his discharge and he would do anything to achieve a discharge, even if it was dishonorable. He felt his duties as a military cook were demeaning. Member was diagnosed as having phase of life and occupational problems, and a personality disorder not otherwise specified, with anti-social and narcissistic traits. A prompt administrative separation was recommended. At the time of the discharge member consulted counsel and waived his right to submit statements in his own behalf. Additionally, the Air Force's drug policy was well publicized and members were continually made aware that illegal drug use was not tolerated. The Board noted that drug abuse is not compatible with Air Force standards; the seriousness of member's misconduct and record of other misconduct warrant the characterization of service he received. The Board could find no wrongful action by the Air Force and concludes the discharge was 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 SRA) (HGH SRA)

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

2. **BACKGROUND:**

a. DOB: 17 Mar 63. Enlmt Age: 20 5/12. Disch Age: 25 7/12. Educ: HS DIPL. AFQT: N/A. A-45, E-54, G-41, M-91. PAFSC: 62350 - Services Specialist. DAS: 30 Jul 87.

b. Prior Sv: (1) AFRes 30 Aug 83 - 10 May 84 (8 months 11 days) (Inactive).

(2) Enlisted as Amn 11 May 84 for 4 yrs. Svd: 3 yrs 6 mos 8 das, all AMS. A1C - 11 Dec 84. SrA - 11 Apr 87. APRs: 8,8,8,9.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 20 Nov 87 for 4 yrs. Svd: 0 Yrs 11 Mos 12 Das, all AMS.

b. Grade Status: SRA - 19 Sep 88 (AF Form 418, Vacation of NCO status)
SGT - Unknown

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOC, 24 AUG 88 - Conduct unbecoming an NCO.
LOR, 01 AUG 88 - Conduct unbecoming, drunk and disorderly, insubordinate, and operating a POV without insurance.
LOR, 06 JUL 88 - Disrespect to an NCO.
RIC, 15 MAR 88 - Financial irresponsibility.
RIC, 17 NOV 87 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 20 Apr 87 - 19 Apr 88 Luke AFB 9 (Annual)

(Discharged from Luke AFB)

h. Awards & Decs: AFAM, AFOUA, AFGCM, AFOSSTR, AFLSAR, AFTR.

i. Stmt of Sv: TMS: (5) Yrs (2) Mos (3) Das
TAMS: (4) Yrs (5) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Nov 02.
(Change Discharge to Honorable)

Issue 1: Requesting DD214 correction Block 12a: Should read 05 May 84. I'm currently unable to obtain "Certificate of Eligability (sic) for FHA. I would like copy 4 members copy of discharge.

Issue 2: Requesting discharge be upgraded from general to Honorable as noted in attachment. Requesting #28 on DD214 not be listed.

ATCH

1. DD Form 149.
2. DD Form 214.
3. Letter to Board, 18 Nov 02.

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DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 832D COMBAT SUPPORT GROUP (TAC)
LUKE AIR FORCE BASE, AZ 85309-5000

FD 2002-051

REPLY TO
ATTN OF: 832 SVS/CC

20 Oct 88

SUBJECT: Notification Letter

TO: SrA [REDACTED]
832 SVS

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. If my recommendation is approved, your service will be characterized as a general discharge.

2. My reasons for this action are: On 21 July 1988 you underwent a command-directed urinalysis test. A positive result for cocaine was received (notification letter undated). On 17 November 1987 you received a letter of counselling for failure to pay your rent on time. On 15 March 1988 you failed to pay your NCO club bill, as a result you received a Letter of Counselling. On 5 July 1988 you were disrespectful to a Senior Noncommissioned Officer, as a result you received a Letter of Reprimand on 6 July 1988. On 21 July 1988 you conducted yourself in a manner unbecoming an noncommissioned officer, as a result you received a letter of reprimand on 1 August 1988. On 24 August 1988 you received a Letter of Counselling with UIF entry for your negative comments toward the Air Force. Your NCO status was vacated on 19 Sept 88. On 31 Aug 88 you made a suicidal gesture by taking an overdose of medication. 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. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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 [REDACTED] at 0830 on 25 Oct 88. 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 25 Oct 88 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

Readiness is our Profession

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. You must report report to Luke Hosp at 1400 on 3 OCT 88 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in your unit orderly room.

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

9 Atch

652 Services Sq

1. Urinalysis Test Report (Undated)
2. AF Form 2731 - Notification of Drug or Alcohol Abuse.
3. Letter of Counseling, dtd 17 Nov 87
4. Letter of Counseling, dtd 15 Mar 88
5. Letter of Reprimand, dtd 6 Jul 88
6. Letter of Reprimand, dtd 1 Aug 88
7. Letter of Reprimand, dtd 24 Aug 88 w/UIF Entry
8. AF Form 418, Vacation of NCO Status, 19 Sept 88
9. DD Form 1569, Incident Complaint Report, dtd 14 Sept 88