

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>SRA</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
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	UOTBC	OTHER	DENY
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>

ISSUES <b>A95.00</b>	INDEX NUMBER <b>A66.00</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center; padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; text-align: center; padding: 5px;"><b>1</b></td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><b>2</b></td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><b>3</b></td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><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>18 JUN 03</b>	CASE NUMBER <b>FD2003-0008</b>																	

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 <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT	DATE: <b>18 JUN 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

FD03-0008

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

**ISSUE:** The applicant submitted no issues and requested that the review be completed based on the available service record. 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 applicant received an Article 15 for wrongfully using marijuana. The Board concluded the drug use was a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of 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

(Former SRA) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 22 Jan 93 UP AFR 39-10, para 5-51 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 10 Nov 56. Enlmt Age: 23 1/12. Disch Age: 36 2/12. Educ: HS DIPL. AFQT: N/A. A-37, E-61, G-61, M-81. PAFSC: 90270 - Medical Service Technician. DAS: 2 Oct 89.

b. Prior Sv: (1) AFRes 21 Dec 79 - 30 Jan 80 (1 month 9 days) (Inactive).

(2) Enlisted as AMN 31 Jan 80 for 4 yrs. Reenlisted as Sgt 31 Oct 83 for 4 yrs. Extended 5 Jun 85 for 10 months. Extended 3 Aug 87 for 12 months. Extended 2 Jun 88 for 12 months. Extended 23 Aug 88 for 2 months. Svd: 10 yrs 4 months 3 days, all AMS. A1C - 31 Jul 80. SRA - 1 Jun 82. SGT - 1 JUN 83. SSGT - 1 Sep 86. APRs: 9,9,9,9,9,9,9,9,9,8,9. EPRs: 4.

ART 15: 6 Jan 88, Clark AB, Philippines - Article 128. You did, at Angeles City, Republic of the Philippines, on or about 22 Dec 87, unlawfully strike ----- on her face with your hand. Further investigation has revealed that you did, at Angeles City, Republic of the Philippines, on or about 22 Dec 87, unlawfully strike -----, on her face with your hand. Forfeiture of \$269.00 pay for one month, and 14 days extra duty. (No appeal) (No mitigation)

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSgt 4 Jun 90 for 6 yrs. Svd: 2 Yrs 7 Mo 18 Das, all AMS.

b. Grade Status: SRA - 24 Nov 92 (Article 15, 24 Nov 92)

c. Time Lost: None.

d. Art 15's: (1) 24 Nov 92, Norton AFB, CA - Article 112a. You did, between on or about 13 Sep 92 to on or about 13 Oct 92, wrongfully use a controlled substance, to wit: marijuana. Reduction to SRA, suspended forfeiture of \$500.00 pay per month for two months, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 22 May 90 - 10 Dec 90 Norton AFB 5 (CRO)  
11 Dec 90 - 10 Dec 91 Norton AFB 5 (Annual)

(Discharged from Norton AFB)

h. Awards & Decs: AFTR, AFAM, AFGCM W/3 DEVS, NCOPMER, SAEMR, NDSM,  
AFOSLTR W/1 DEV, AFOSSTR, AFLSAR W/2 DEVS, AFOUA W/2 DEVS.

i. Stmt of Sv: TMS: (13) Yrs (1) Mos (2) Das  
TAMS: (12) Yrs (11) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 18 Dec 02.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH  
None.

11MAR03/ia

FD 2003-0000 8



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 63D AIRLIFT WING (AMC)

14 DEC 1992

FROM: 63 MEDGP/CC

SUBJ: Letter of Notification (Board Hearing)

TO: SRA [REDACTED]

1. I am recommending your discharge from the United States Air Force for Drug Abuse, according to AFR 39-10, under the provisions of paragraph 5-51. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this discharge action follows:

a. Between on or about 13 Sep 92 and on or about 13 Oct 92, you did, wrongfully use marijuana. For this conduct, you received an Article 15 on 16 Nov 92 with a reduction to the grade of Senior Airman with a new date of rank of 24 Nov 92, forfeiture of \$500 pay per month for two months, suspended until 23 May 93 and a reprimand.

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive a general discharge. The commander exercising SPCM jurisdiction or higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. 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.

5. You have been scheduled for a medical examination on 16 Dec 92 at 0800. Do not drink alcohol 72 hours prior to your exam, or eat 12 hours prior to your exam - water is allowed.

6. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel on 14 Dec 92 at 1000. 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 AFR 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.

7. Confer with your counsel and reply, in writing, within seven 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 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.

8. 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 the orderly room.

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



Colonel, USAF, [redacted]

2 Atchs

- 1A. Supporting Documents for the Reasons for Discharge
- 2. Airman's Acknowledgment