

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ████████████████████
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<b>TYPE</b> GEN	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>NO</b>	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A93.07, A93.09, A92.37	<b>INDEX NUMBER</b> A66.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		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**

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: \_\_\_\_\_

<b>INDORSEMENT</b>	<b>DATE: 03-05-16</b>
<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00012

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change his reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are 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 submitted to a random urinalysis that was found to contain THC in excess of the DoD cut-off of 15 ng/ml. Member received an Article 15 for this offense. At the time of his discharge member submitted a statement in his own behalf professing his innocence but noting the futility of disputing the drug testing procedure or results. He said he was unwilling to risk a possible court martial conviction, and did not wish to be retained because he wanted to get on with his life. Member requested an honorable discharge. Applicant now infers he committed the offense by stating he was "100 miles away from my duty station out in the country (unavailable) when I experimented with marijuana." Applicant feels his potential future employment options should not continue to be jeopardized due to this isolated incident. 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 drug abuse is not compatible with Air Force standards; the seriousness of that misconduct outweighed the applicant's otherwise satisfactory service. 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.

The applicant cited his desire to return to military service. While the Board commends applicant on this desire, and is sympathetic to the impact a General discharge has on his reenlistment code, this is not a matter of equity or propriety that warrants an upgrade.

**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 A1C) (HGH SRA)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Aug 93 UP AFI 36-3208, para 5-51 (Misconduct - Drug Abuse). Appeals for Honorable Discharge, to Change RE Code, Reason and Authority.

**2. BACKGROUND:**

a. DOB: 11 May 68. Enlmt Age: 20 2/12. Disch Age: 25 2/12. Educ: HS DIPL. AFQT: N/A. A-67, E-92, G-76, M-93. PAFSC: 25150 - Weather Specialist. DAS: 9 Dec 92.

b. Prior Sv: (1) AFRes 27 Jul 88 - 10 Aug 88 (15 days) (Inactive).

(2) Enlisted as AB 11 Aug 88 for 4 yrs. Svd: 3 yrs 4 months 5 days, all AMS. AMN-(EPR Indicates): 11 Aug 88-10 Apr 90. A1C-(EPR Indicates): 11 Aug 88-10 Apr 90. SRA - 11 Aug 91. EPRs: 4,3,4.

**3. SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 17 Dec 91 for 6 yrs. Svd: 1 Yrs 7 Mo 17 Das, all AMS.

b. Grade Status: A1C - 30 Jun 93 (Article 15, 30 Jun 93)

c. Time Lost: None.

d. Art 15's: (1) 30 Jun 93, Tinker AFB, OK - Article 112a. You did, within the territorial limits of the United States, on or about 4 May 93, wrongfully use marijuana. Reduction to A1C. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 1 Feb 93 - Late for duty.

f. CM: None.

g. Record of SV: 27 Aug 91 - 03 Jan 92 Koon-Ni WRG 4 (CRO)  
04 Jan 92 - 23 Aug 92 Homestead AFB 3 (CRO)

(Discharged from Tinker AFB)

h. Awards & Decs: AFGCM, NDSM, AFOSLTR, AFLSAR, NCOPMER, AFTR.

i. Stmt of Sv: TMS: (5) Yrs (0) Mos (8) Das  
TAMS: (4) Yrs (11) Mos (24) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Dec 02.

(Change Discharge to Honorable, Change RE Code, Reason and Authority.)

Issue 1: In reference to this discharge review I would like to ask the Board to take into consideration the circumstances at which time this took place. In January 1992 I returned from overseas duty to find my wife impregnated with twin girls. We seperated (sic) approximately March 1992. Hurricane Andrew devastated Homestead AFB in August 1992.

I relocated to Tinker AFB. After completing Airman Leadership School I recieved (sic) orders to Biloxi (sic). During this time period I was making trips on the weekend to the Tulsa area to see old high school friends. I was approximately 100 miles away from my duty station out in the country (unavailable) when I experimented with marijuana.

I visited a recruiter earlier this year (2002) and found that I am currently unable to enlist and/or re-enlist in the Armed Services. I have worked with and for the best of the best from General ----- on down the line. If I am overstepping my boundries I apologise but I do not believe that one isolated incident should jeoporadise (sic) a mans (sic) potential career. I appreciate your time and consideration in this matter.

**ATCH**

1. DD Form 214.
2. Article 15.
3. Training Certification.
4. AF Form 899.
5. AF Form 2096.

12MAR03/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 654 SUPPORT GROUP (AFMC)  
TINKER AIR FORCE BASE, OKLAHOMA

FROM: 654 SPTG/CCQ  
Tinker AFB OK 73145

19 July 1993

SUBJ: Notification Letter

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for Misconduct. The authority for this action is AFR 39-10, paragraph 5-51, Drug Abuse. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

On or about 4 May 93, you wrongfully used marijuana. As a result, you received an Article 15, dated 30 Jun 93. Punishment was reduction to the grade of airman first class, effective 30 Jun 93. See Atch 1.

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.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made tentative arrangements for you to consult Capt [REDACTED] at Bldg 452, Tinker AFB, OK, on 20 Jul 93, at 0900 hours. You should call Capt [REDACTED] at 405/739-7713 to confirm this appointment prior to your going to his office. 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 22 July 1993, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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 were scheduled for a medical examination on 12 Jul 93 and you should have reported to the Tinker AFB Hospital, Physical Exam Section, on that date 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 the orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

  
HQ Squadron Section Commander

USAF

1 Atch

1. Art 15, dtd 30 Jun 93