

## 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>				
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>						
<b>MEMBERS SITTING</b>			<b>VOTE OF THE BOARD</b>				
			HON	GEN	UOHC	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>A94.05</b>		INDEX NUMBER <b>A66.00</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>			
				<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			
HEARING DATE <b>4 OCT 02</b>		CASE NUMBER <b>FD2003-00036</b>		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>The applicant was scheduled for a personal appearance before the Discharge Review Board at Andrews AFB, MD on May 29, 2003, but after acknowledging intent to appear, failed to do so without requesting a postponement. The case was considered via records review.</p> <p>Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.</p>							
SIGNATURE OF RECORDER <b>[REDACTED]</b>			SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>				
INDORSEMENT			DATE: <b>8 AUG 03</b>				
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				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00036

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable, and change of reason for discharge.

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) at Andrews AFB, MD on May 29, 2003, but after acknowledging intent to appear, failed to do so without requesting a postponement. His case was considered by records review.

**FINDINGS:** Upgrade of discharge to Honorable is denied.  
Change of reason for discharge and reenlistment code is denied.

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

**ISSUES:** The applicant's issues are listed in the attached brief. The applicant contends that his discharge was inequitable because it was too harsh. The applicant also cited his desire to receive G.I. Bill benefits as justification for upgrade. The record indicates the applicant received an Article 15 for drug use, based on a positive urine test for marijuana. While discharge action was being considered by his commander, a second urine drug screen was positive and the applicant was discharged with a general characterization of service. The DRB took note of the applicant's very good duty performance as documented by his laudatory performance report. After a thorough review of the record, the Board concluded that the applicant has not shown that there was any inequity or impropriety in his discharge. The DRB noted that when the applicant applied for G.I. Bill benefits he signed a statement (DD Form 2366) that he understood he must receive an Honorable discharge to receive future educational benefits thus this is not a matter of inequity or impropriety.

**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, change of reason for discharge and change of RE code, 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 AB) (HGH A1C)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 16 May 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

**2. BACKGROUND:**

a. DOB: 8 May 81. Enlmt Age: 18 2/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-72, E-62, G-62, M-44. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 18 May 00.

b. Prior Sv: (1) AFRes 29 Jul 99 - 22 Nov 99 (3 Months 25 Days) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enld as AB 23 Nov 99 for 6 yrs. Svd: 2 Yrs 5 Mos 24 Das, all AMS.

b. Grade Status: AB - 17 Apr 02 (Article 15, 17 Apr 02)  
A1C - 7 Jan 00

c. Time Lost: None.

d. Art 15's: (1) 17 Apr 02, Cannon AFB, NM - Article 112a. You did, on or about 13 Mar 02, wrongfully use marijuana. Reduction to AB, and forfeiture of \$400 pay. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 23 Nov 99 - 22 Jul 01 Cannon AFB 4 (Initial)

(Discharged from Cannon AFB)

h. Awards & Decs: AFTR, AFEM, NDSM, BMOB.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (18) Das  
TAMS: (2) Yrs (5) Mos (24) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Jan 03.  
(Change Discharge to Honorable)

Issue 1: The main reason I feel as though my discharge should be upgraded is because other flight Chiefs and some of my old supervisors and my most recent one felt as though I shouldn't have gotten discharged in the first place and

that my squadron commander and the Wing Commander did not know me as the Airman that people who worked with me everyday did. They also backed me one-thousand percent before my discharge and to this day.

Issue 2: Upgrading my discharge would also give me a chance to persue(sic) my college education at ----- University to major in computer engineering. It will also help me get a job that is really focused on us veterans. So it would be greatly appreciated if you would consider my case and help me to persue (sic) my dreams and goals so my children can be brought up in a better enviornment (sic) than I was.

**ATCH**

None.

19Mar03/cr



FD2003-00036

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 27th FIGHTER WING (ACC)  
CANNON AIR FORCE BASE NEW MEXICO

MEMORANDUM FOR AB [REDACTED] 27 EMS

6 MAY 02

FROM: 27 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for drug abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.54. 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 13 Mar 02, you wrongfully used marijuana, as evidenced by an Article 15 action, dated 17 Apr 02. (Atch 1)

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, and any special pay, bonuses, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment will be made for you to consult with a military legal counsel from the Cannon AFB Area Defense Counsel's Office at building 600, ext. 2915. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within **3 duty days** from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination at the 27th Medical Group on 7 May 02 at 1140 hours.

8. 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 in your unit orderly room, or you may download a copy from <http://afpubs.hq.af.mil/>.

 Major, USAF  
Commander, 27 EMS

Attachment:  
Article 15 action, dated 17 Apr 02