

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE SRA	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
GEN	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
COUNSEL		
YES		
NO		
	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, A92.37, A93.17	INDEX NUMBER A66.00	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
		4	BRIEF OF PERSONNEL FILE	
HEARING DATE 03-05-28	CASE NUMBER FD2003-00051		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 MEMBER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 03-05-29
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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 RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00051

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for misconduct, drug abuse. A positive urinalysis in June 1987 disclosed the presence of marijuana, for which member received an Article 15. At the time of the offense, member was a noncommissioned officer with almost 15 years service. Member elected to have his case heard by an administrative discharge board, which determined he should be discharged with a general (under honorable conditions) separation for commission of a serious offense, namely drug abuse, and should not be offered probation and rehabilitation. The record review also disclosed member had a Letter of Reprimand for failure to go to his appointed place of duty, and a referral Airman Performance Report (APR) rated an overall "4" out of "9" based on his poor duty performance. That APR stated he showed no initiative, was not able to cope with personal and professional problems, lacked compatibility with Air Force standards, and was burden to his unit. Additionally, member had been diagnosed with an adjustment disorder with mixed emotions by the Mental Health clinic staff. The Air Force's drug policy was well publicized and members were continually made aware that illegal drug use was not tolerated. Drug abuse by a noncommissioned officer is a particularly serious failure to meet Air Force standards that does not warrant an honorable characterization of service. The Board could find no inequity or impropriety on which to base an upgrade to the 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 3 Feb 88 UP AFR 39-10, para 5-49c (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 6 Jan 49. Enlmt Age: 23 4/12. Disch Age: 39 0/12. Educ: HS DIPL. AFQT: N/A. A-47, E-36, G-44, M-40. PAFSC: 70270 - Administrative Technician. DAS: 10 Feb 87.

b. Prior Sv: (1) AFRes 1 Jun 72 - 5 Sep 72 (3 Months 5 Days) (Inactive).

(2) Enld as AB 6 Sep 72 for 4 yrs. Ext: 9 Jun 75 for 1 month. Ext: 6 Apr 76 for 2 months. Reenld as SGT 29 Oct 76 for 6 yrs. Ext: 6 Sep 79 for 12 months. Svd: 10 Yrs 0 Mos 25 Das, all AMS. AMN - 6 Jan 73. A1C - 6 Sep 73. SGT - 1 Apr 75. SSGT - 1 Feb 81. APRs: 9,9,8,8,7,9,9,9,9,9,9,9.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SSGT 1 Oct 82 for 6 yrs. Svd: 5 Yrs 4 Mos 3 Das, all AMS.

b. Grade Status: SRA - 11 Aug 87 (NCO Status Vacated)
SGT - 8 Jul 87 (Article 15, 8 Jul 87)

c. Time Lost: None.

d. Art 15's: (1) 8 Jul 87, Nellis AFB, NV - Article 112a. In that you, did, in the United States, on or about 23 Apr 87, wrongfully use marijuana. Reduction to Sgt, and forfeiture of \$200.00 pay per month for two months. (No appeal) (No mitigation)

e. Additional: ((Examiner's Note: Information obtained from UIF Summary) LOR, 13 MAY 87 - Failure to go to appointed place of duty.

f. CM: None.

g. Record of SV:

01 Feb 82 - 28 Oct 82	Wheeler AFB	9	(CRO)
29 Oct 82 - 02 Oct 83	Wheeler AFB	9	(CRO)
03 Oct 83 - 14 Aug 84	Sheppard AFB	9	(CRO)
15 Aug 84 - 10 Mar 85	Sheppard AFB	9	(CRO)
11 Mar 85 - 31 Aug 85	Sheppard AFB	9	(CRO)
01 Sep 85 - 17 Aug 86	Taegu AB	9	(CRO)
18 Aug 86 - 17 Nov 87	Nellis AFB	4	(Dir by HAF)

(Discharged from Nellis AFB)

h. Awards & Decs: AFCM W/1OLC, AFOUA W/3 OLC, AFGCM W/3 OLC, NDSM, VSM W/1 OLC, AFOSSTR W/2OLC, AFOSLTR W/2OLC, AFLSAR, AFTR, NCOPMER, RVGC.

i. Stmt of Sv: TMS: (15) Yrs (8) Mos (3) Das
TAMS: (15) Yrs (4) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 31 Jan 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH

None.

10 Apr 03/cr



DEPARTMENT OF THE AIR FORCE

474TH AIRCRAFT GENERATION SQUADRON (TAG)

NELLIS AIR FORCE BASE NV 89101-5000

14 Aug 87

CC

Letter of Notification - Board Hearing

[REDACTED]

1. I am recommending your discharge from the United States Air Force for commission of a serious offense, drug abuse, according to AFR 39-10, under the provisions of paragraph 5-10c. Copies of the documents to be forwarded to the separations authority to support this recommendation are attached.

2. My reasons for this action are:

In that you did in the United States on or about 23 Apr 87, wrongfully use marijuana, for which you received an Article 15, 8 Jul 87.

3. This action could result in your separation with an order other than honorable conditions discharge. I am recommending that you receive a general discharge. The commander exercising SPCM jurisdiction or a 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 or have had a medical examination at the USAF Hospital, Physical Exam Section at 0600 hours on 29 Jun 87.

UNITED STATES AIR FORCE



SEPTEMBER 18, 1947


Out Ex 3a

6. Military legal counsel, Bldg P-47, duty phone 4034, has been obtained to assist you. An appointment has been scheduled for you to consult him at 0900 hours on Monday 17 August 1987. 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 (7) 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 Section Commander's Office.

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


Squadron Commander

USAF

- 1. Supporting documents for the reasons for discharge
- 2. Documents containing derogatory information which are not listed in Letter of Notification, if applicable
- 3. Airman's Acknowledgment