	AIR FORCE DIS	CHARGE REVIEW	BOARD	HEAR	ING RECO	ORD			
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)			GRADE		AFSN/SSAN				
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TYPE GEN PERSONAL APPEARANCE			X RECORD REVIEW						
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MEMBERS SITTING			Н	ON	GEN	UOTHC	OTHER	DENY	
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ISSUES A94.53, A92.37, A9	93.17 INDEX NUMBER A66.00		24£		SEXEURUS SURMETTED TO THE BOARD  ER APPOINTING THE BOARD				
			2	APPL	ICATION FOR REVIEW OF DISCHARGE				
			3		TER OF NOTIFICATION				
HEARING DATE 03-05-28	CASE NUMBER FD2003-0005		4	4 BRIEF OF PERSONNEL FILE COUNSEL'S RELEASE TO THE BOARD					
				ADDI	TIONAL EXHIBITS SUBMITTED AT TIME OF ONAL APPEARANCE				
						F PERSONAL A		EARING	
REMARKS	E-BOARD'S DECISIONAL RATIONAL A				A REVIEW BOA	KD DECISIONAL	RATIONALE.		
Case heard at Was	shington, D.C.								
Advise applicant o	f the decision of the Board	, the right to a perso	nal appear	rance v	vith/withou	it counsel, a	and the righ	nt to	
	ion to the AFBCMR.	, 6 1	••			·	J		
SIGNATION		SIGNATUI	RE OF BOARD I	RESIDEN	T.				
	IND.	PSEMIAL AND THE SE	E Marin		The Later of the L	all statements	DATE: 03-0	5-29 <sup>°</sup> T <sub>293</sub> .	
TO: SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742					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				
AFHQ FORM 0-2077, JAN 00		(EF-V2)	Previous edition will be used.						

### AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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. AlC - 6 Sep 73. SGT - 1 Apr 75. SSGT - 1 Feb 81. APRs: 9,9,8,8,7,9,9,9,9,9,9.

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

(Discharged from Nellis AFB)

- h. Awards & Decs: AFCM W/10LC, AFOUA W/3 OLC, AFGCM W/3 OLC, NDSM, VSM W/1 OLC, AFOSSTR W/20LC, AFOSLTR W/20LC, 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



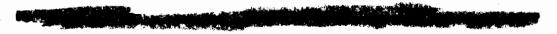
# DEPARTMENT OF THE AIR FORCE

MELLIS AIR FORCE BASE NV 85151-5000

14aug 37

CC

Letter of Notification - Board Hearing



- 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 5-40c. Copies of the documents to be forwarded to the separations authority to support this recommendation are attached.
- My reasons for this action are:

In that you did in the United States on or about 23 Apr 37, wrongfully use marijuana, for which you received an Article 15, 8 Jul 87.

- 3. This action could result in your separation with an indepote than honorable conditions discharge. I am recommeding that you receive a general discharge. The commander exertising SPOM jurisdiction or a higher authority will make the find decision in this matter. If you are discharged, you will be instigible 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 0500 hours on 29 Jun 87.

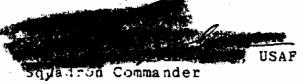
UNITED STATES AIR FORCE



SEPTEMBE= 18, 1947

Cout Ex 3 a

- 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 larger 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 apployment of civilian counsel. Civilian counsel, if apployed, must be readily available.
  - 7. Confer with your counsel and reply, in writing within seven (T) wirklaps, 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 5. A copy of AFR 39-10 is available for your use in the Section Commander's Office.
  - 9. Elecute the attached acknowledgement and return it to me immediately.



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