

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]				
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO						
	X						
MEMBERS SITTING			VOTE OF THE BOARD				
			HON	GEN	UOHC	OTHER	DENY
							X
							X
							X
							X
							X
ISSUES A92.21, A92.37		INDEX NUMBER A66.00		EXHIBITS SUBMITTED TO THE BOARD			
HEARING DATE 03-05-21		CASE NUMBER FD2003-00098		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 RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
REMARKS							
<p>Case heard at Washington, D.C.</p> <p>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.</p>							
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT				
[REDACTED]			[REDACTED]				
INDORSEMENT				DATE: 03-05-22			
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					

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00098

GENERAL: The applicant appeals for upgrade of discharge to honorable, 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, 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, and for fraudulent enlistment. During the course of a security clearance background investigation, derogatory information about a civilian arrest for marijuana possession to distribute, and being a minor transporting alcohol was discovered which applicant had not entered on his enlistment forms. In an effort to resolve these matters, applicant underwent a polygraph examination by the Defense Security Service. The examiner didn't believe member was truthful in his answers, and during a post-test interview the member so admitted. In a signed sworn statement, member recounted multiple incidents of pre-service illegal drug use, and one incident of in-service illegal drug use while at technical training. Member indicated to the investigator that he lied on the polygraph questions because he liked the Air Force and was afraid of losing his job. At the time of the discharge, member consulted counsel and submitted a statement in his own behalf in which he said he lied on his enlistment forms because the recruiter told him to, and that in spite of his admission under oath to the defense security service investigator, that he did not use marijuana while in technical school. Applicant now feels his post-service achievements provide a basis on which to justify an upgrade of his discharge "despite his past mistakes." 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 both drug abuse and fraudulent enlistment constitute serious misconduct that is not compatible with Air Force standards. The Air Force's drug policy was and is well publicized and all members are continually made aware that illegal drug use is not tolerated. Additionally, were it not for the falsification of his enlistment documents, it is doubtful applicant would have been allowed into the Air Force based on his extensive pre-service illegal drug use and his arrest record. The Board finds the discharge proper; the records review disclosed no inequity or impropriety on which to base 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

[REDACTED]
[REDACTED]
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 8 Jan 02 UP AFI 36-3208, para 5.15 (Fraudulent Entry) and para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge, and Change to Reentry Code.

2. **BACKGROUND:**

a. DOB: 31 Dec 79. Enlmt Age: 19 11/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-51, E-26, G-34, M-27. PAFSC: 2S032 - Supply Systems Analyst Journeyman. DAS: 30 Oct 00.

b. Prior Sv: (1) AFRes 21 Dec 99 - 6 Jun 00 (5 Months 17 Days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 7 Jun 00 for 4 yrs. Svd: 1 Yrs 7 Mos 2 Das, all AMS.

b. Grade Status: AMN - 11 Dec 01 (Article 15, 11 Dec 01)
A1C - 7 Oct 01
AMN - 7 Dec 00

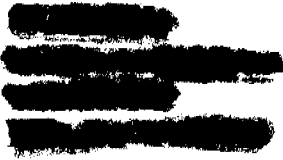
c. Time Lost: None

d. Art 15's: (1) 11 Dec 01, Langley AFB, VA - Article 83. You, did, at or near Portland, Maine, on or about 21 Dec 99, by means of deliberate concealment of the facts that you were charged with an offense related to alcohol or drugs and illegally used any controlled substance since the age of 16 or in the past 7 years, procure yourself to be enlisted as an AB in the United States Air Force, and did thereafter, at or near Langley AFB, VA, receive pay and allowances under the enlistment so procured. Article 112a. You did, between on or about 1 Jul 00 and 31 Aug 00, wrongfully use marijuana. Article 134. You, did, on or about 14 Nov 00, in a sworn statement, wrongfully and unlawfully subscribe under lawful oath a false statement in the substance as follows: I tried marijuana one time. I never used it again, which statement you did not then believe to be true. Reduction to AMN, suspended forfeiture of \$200.00 pay per month for 2 months, and 14 days extra duty. (No appeal) (No mitigation)

Additional: None.

f. CM: None.

03/03/03



Dear DRB:

The following issues are the reasons I believe my discharge should be upgraded to Honorable and the reenlistment code should be change to reflect eligibility to reenlist. I am submitting documentation and evidence on my behalf for my case. I would like to start by stating that I am currently employed by Teletch/ Nextel Communications as a technical support agent for a year now. I was given the opportunity to be selected for an assignment to Canada for site development for a new client for two weeks to be a mentor and support of system knowledge. I was also selected to be a member of the employee advisory committee. See (attachments #1) in reference to employee performance. Secondly, the achievements I gained are as follows; A+ certified computer technician and Network+ network technician. I am currently enrolled at Thomas Nelson Community College pursuing an Information Systems Degree. And I am also studying to acquire the Microsoft Certified Systems Administrator certification. I have also been married for 2 years now. See (attachment #2) personal achievements. Finally I have received distinguish graduate service award and character reference letters. See (attachments #3) military achievements. These are the reasons why I feel my discharge should be upgraded despite my past mistakes before I entered the service. I appreciate your time in reviewing my case.

Thank you,



FD2003-00098



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA

MEMORANDUM FOR [REDACTED]

FROM: ACC RSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for drug abuse and fraudulent entry. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.54 and Section C, paragraph 5.15. The primary basis for discharge will be paragraph 5.54, drug abuse. If your discharge is approved, your service will be characterized as honorable, under honorable conditions (general), or under other than honorable conditions discharge. I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for recommending discharge under the primary basis of paragraph 5.54, drug abuse is you, did, at or near Lackland Air Force Base, Texas, on or about 1 July 2000 and 31 August 2000, wrongfully use marijuana.

3. My reasons for recommending discharge under the secondary basis of paragraph 5.15, fraudulent entry are:

a. You, did, at or near Portland, Maine, on or about 21 December 1999, by means of deliberate concealment of the facts that you were charged with an offense related to alcohol or drugs and illegally used any controlled substance since the age of 16 or in the past 7 years, procure yourself to be enlisted as an Airman Basic in the United States Air Force, and did thereafter, at or near Langley Air Force Base, Virginia, receive pay and allowances under the enlistment so procured.

b. You, did, at or near Langley Air Force Base, Virginia, on or about 14 November 2000, in a sworn statement, wrongfully and unlawfully subscribe under lawful oath a false statement in substance as follows: I tried marijuana one time. I never used it again, which statement you did not then believe to be true.

4. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial 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, bonus, or education assistance funds may be subject to recoupment.

5. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED], Area Defense Counsel, 54 Willow Street, Bldg. 147, Ext. 5607 at 1000 hours on 19 Dec 2001. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 0/5 hours on 21 Dec 01 2001 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. 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.

8. You have been scheduled for a medical examination. You must report to the 1st Medical Group, Physical Exam Section at 0830 hours on 19 Dec 2001 and an additional examination will be scheduled if necessary.

9. 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 the unit orderly room.

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

[REDACTED]
[REDACTED] USAF
Commander ACC Regional Supply Squadron

Attachments:

1. Supporting Documents
 - a. Article 15 – 11 Dec 01
 - b. Statement of Subject – 14 Nov 00
 - c. Record of Military Processing/DD Form 1966 – 21 Dec 99
 - d. Questionnaire for National Security Positions – 12 Dec 99
2. Receipt of Notification Memorandum