

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>		GRADE A1C	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>						
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL									
YES	No								
	X								
MEMBER SITTING		VOTE OF THE BOARD							
		HON	GEN						
		UOTHC	OTHER						
		DENY							
			X						
			X						
			X						
			X						
			X						
ISSUES A95.00	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						
			COUNSEL'S RELEASE TO THE BOARD						
HEARING DATE 24 Oct 2003	CASE NUMBER FD2003-00117		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE						
			TAPE RECORDING OF PERSONAL APPEARANCE						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE									
<p>Case heard at the American Red Cross; Albany, New York</p> <p>Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.</p>									
SIGNATURE OF RECORDER <div style="background-color: black; width: 100%; height: 1.2em;"></div>		SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 1.2em;"></div>							
INDORSEMENT		DATE: 10/24/2003							
TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002							

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00117

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) at the American Red Cross; Albany, NY, on 24 Oct 03, but failed to appear.

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 that would justify a change of discharge.

ISSUE:

The applicant received a general discharge for misconduct—specifically, drug abuse. Member received two Article 15s. One was for the wrongful use of marijuana and the other was for underage drinking and driving under the influence. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members.

The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of 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

MISSING MEDICAL RECORDS
(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 7 Nov 01 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 6 Sep 78. Enlmt Age: 18 11/12. Disch Age: 23 2/12. Educ: HS DIPL. AFQT: N/A. A-26, E-47, G-50, M-15. PAFSC: 4N051 - Medical Service. DAS: 14 Sep 98.

b. Prior Sv: (1) AFRes 19 Aug 97 - 20 Jan 98 (5 Months 2 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 21 Jan 98 for 4 yrs. Svd: 3 Yrs 9 Mos 18 Das, all AMS.

b. Grade Status: A1C - 12 Sep 01 (Article 15, 12 Sep 01)
SRA - 21 Jan 01
A1C - 21 May 99
AMN - 21 Jul 98

c. Time Lost: None

d. Art 15's: (1) 12 Sep 01, Maxwell AFB, AL - Article 112a. You did, within the continental United States, on or about 17 Jul 01, wrongfully use marijuana. Reduction to A1C, and a reprimand. (No appeal) (No mitigation)

(2) 26 Apr 99, Maxwell AFB, AL - Article 92. You, who should have known of your duties, on or about 4 Apr 99, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages due to your being under the legal age to consume said beverages, as it was your duty to do. Article 111. You, did, on or about 4 Apr 99, in the parking lot of Dorm 699 physically control a vehicle, to wit: a passenger car, while drunk. Suspended reduction to AB, and forfeiture of \$200.00 pay. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 21 Jan 98 - 20 Sep 99 Maxwell AFB 3 (Initial)
21 Sep 99 - 20 Sep 00 Maxwell AFB 5 (Annual)

(Discharged from Maxwell AFB)

h. Awards & Decs: AFOUA W/1 OLC, AFGCM, AFTR.

i. Stmt of Sv: TMS: (4) Yrs (2) Mos (20) Das
TAMS: (3) Yrs (9) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Mar 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH

1. Name Change Documents.
2. Character References (9).
3. Response to Article 15.
4. Performance Feedbacks.

5 Jun 03/cr



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 42D AIR BASE WING (AU)
MAXWELL AIR FORCE BASE ALABAMA

FD2003-00117

15 OCT 2001

MEMORANDUM FOR A1C [REDACTED]

FROM: 42 MDOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct – Drug Abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.54. If you are discharged, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My specific reasons for this action are: On or about 17 Jul 01, you wrongfully used marijuana. As a result you received an Article 15 on 12 Sep 01, which punishment consisted of reduction to the grade of Airman First Class and reprimand.

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.

3. 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 SSA [REDACTED] at the Area Defense Counsel at Building 40 on Maxwell AFB at 0800, 16 0800 hours. You may consult civilian counsel at your own expense.

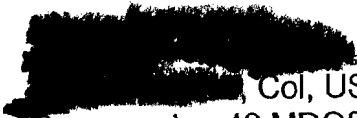
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1600, 18 0801 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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 have been scheduled for a medical examination. You must report to the Family Practice Section, 42d Medical Group, Maxwell AFB, Alabama at _____ on _____ for the examination.

7. The Privacy Act Statement of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use at the Area Defense Counsel's office.

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

 Col, USAF
Commander, 42 MDOS

Attachments:
Article 15, 12 Sep 01