

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE SRA</b> [REDACTED]	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>	
	<b>X</b>	

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A70.00	<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	
<b>HEARING DATE</b> 23 Sep 2003	<b>CASE NUMBER</b> FD-2003-00151		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>INDORSEMENT</b>		<b>DATE: 09/30/2003</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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

FD-2003-00151

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

The applicant was offered a personal appearance before the Discharge Review Board (DRB) 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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Under Other Than Honorable Conditions discharge. He elected to be discharged in lieu of a Court Martial. The record indicates the applicant admitted to the use of cocaine and marijuana. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons that were the basis for this case. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

**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 SRA)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 22 Feb 90 UP AFR 39-10, Chapter 4 (Discharge in Lieu of Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 19 May 65. Enlmt Age: 18 2/12. Disch Age: 24 9/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: 60350 - Apprentice Vehicle Operator/Dispatcher. DAS: (APR Indicates): 30 Jun 88-25 Jan 89.

b. Prior Sv: (1) USAFA(Cadet) 20 Jul 83 - 25 Jun 88. Svd: 4 yrs 11 months 6 days, all AMS. AMN - 25 Jan 84. A1C/SrA - Unknown. No performance reports covering this period of service are in file.

3. **SERVICE UNDER REVIEW:**

a. Ordered to EAD as SrA 26 Jun 88 for 3 yrs. Svd: 1 Yr 7 Mos 27 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV: 30 Jun 88 - 25 Jan 89 March AFB 9 (CRO)

(Discharged from March AFB)

h. Awards & Decs: AFLSAR, SAEMR W/BS, AFTR, AFOUA.

i. Stmt of Sv: TMS: (6) Yrs (7) Mos (3) Das  
TAMS: (6) Yrs (7) Mos (3) Das

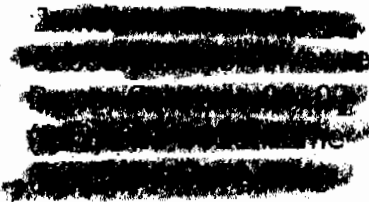
4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 25 Mar 03.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Army National Guard Form 201.

24JUN03/ia



March 21, 2003

United States Air Force  
SAF/MIBR  
550-C Street West, Suite 40  
Randolph AFB, Tx. 78150-4742

Dear Sir or Madam:

I am writing this letter in support of my request to have my discharge upgraded to an Honorable Discharge.

Per DD FORM 293, section #8 I am indicating that my discharge was inequitable because it was based on an isolated event that occurred in a total of almost 7 years. Approximately 24 months of that time was active duty service. The other five years of military service would include the USAF Academy Prep School and USAF Academy. My active duty record was otherwise void of any adverse actions.

During my active duty service with the U.S. Air Force I was a member of the 22nd Air Wing Transportation Unit. In an effort to further my career, I applied for a position with the 22nd Air Wing Intelligence Unit. I received the support of both commanders and began the transfer and background investigation phase. Near the end of the background phase the question of prior drug use was raised. I initially responded that I had never tried any illegal drugs. This was a childish and immature response based on fear. Shortly thereafter, however, I did admit that I did have a "prior use." Based on that admission, I was discharged from the service. This was the only "negative" to my active duty record. Prior to this point I had made rank quickly and had moved up through the unit from driver to dispatcher.

Since that time I have completed my Undergraduate degree. While in the process of completing my Graduate degree when I was accepted into Law School. I graduated from Law School in 1996, passed the Bar exam, and was hired by one of the largest law firms in Denver, Hall & Evans, LLC. After two successful years with that firm, I was hired by the Denver District Attorney's Office. I have been a prosecutor with this office for almost five years now.

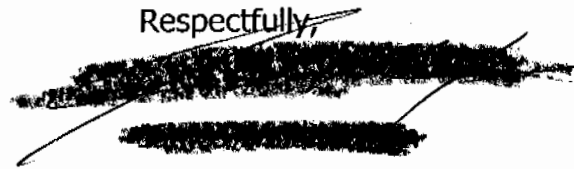
Presently, I am the Senior Deputy District Attorney in the Drug Enforcement Unit.

I rejoined the United States Military in 1999 at the rank of E4 because I still have a strong desire to serve my country. The Army National Guard initially assigned me to the 220th Military Police. From there, I was transferred to the 5/19th Special Forces Group. I continue at present, to serve honorably. (Form 201 attached.)

Despite my continued success, it is very important to me that I amend my past military record. First, it is important because at the time of my discharge from the Air Force, I was, as I still am, very patriotic. I believe in a strong America and I will continue to contribute to her strength. My mistake was that of a young man and one that I have learned from. Additionally, it is important to me because, as I raise my own son, I would be able to look back and say that I was apart of this organization and that I served it as best I could. Lastly, it is important because I wish to acquire peace of mind. When all is said and done, and I am at the finish of my life, I would like be left with the knowledge that I have served my country and that I did so, Honorably.

Thank you for your consideration of my request.

Respectfully,

A large, dark, irregularly shaped redacted area covering the signature and name of the sender.