

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

|  |                     |  |                                     |   |                       |          |
|--|---------------------|--|-------------------------------------|---|-----------------------|----------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)<br><b>[REDACTED]</b>   |                     | GRADE<br><b>A1C</b>  | AFSN/SSAN<br><b>[REDACTED]</b>      |   |                       |          |
| TYPE   | PERSONAL APPEARANCE | <b>X RECORD REVIEW</b>                                       |                                     |   |                       |          |
| COUNSEL  |                     | ADDRESS AND OR ORGANIZATION OF COUNSEL                       |                                     |   |                       |          |
| YES  | NO                  |  |                                     |   |                       |          |
|  | <b>X</b>            |  |                                     |   |                       |          |
| <b>MEMBERS SITTING</b>   |                     | <b>VOTE OF THE BOARD</b>                                     |                                     |   |                       |          |
|  |                     | HON  | GEN                                 | UOTHC   | OTHER                 | DENY     |
| <b>[REDACTED]</b>  |                     |  |                                     |   |                       | <b>X</b> |
| <b>[REDACTED]</b>  |                     |  |                                     |   |                       | <b>X</b> |
| <b>[REDACTED]</b>  |                     |  |                                     |   |                       | <b>X</b> |
| <b>[REDACTED]</b>  |                     |  |                                     |   |                       | <b>X</b> |
| <b>[REDACTED]</b>  |                     |  |                                     |   |                       | <b>X</b> |
| <b>[REDACTED]</b>  |                     |  |                                     |   |                       | <b>X</b> |
| ISSUES<br><b>A93.17</b>  |                     | INDEX NUMBER<br><b>A66.00</b>                                |                                     | <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             |   |                       |          |
| HEARING DATE<br><b>1 AUG 03</b>  |                     | CASE NUMBER<br><b>FD2003-0154</b>                            |                                     | COUNSEL'S RELEASE TO THE BOARD  |                       |          |
|  |                     | ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE |                                     |   |                       |          |
|  |                     | TAPE RECORDING OF PERSONAL APPEARANCE HEARING                |                                     |   |                       |          |
| <b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>                    |                     |  |                                     |   |                       |          |
| <b>REMARKS</b>   |                     |  |                                     |   |                       |          |
| <b>Case heard at Washington, D.C.</b>  |                     |  |                                     |   |                       |          |
| <b>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<br><b>[REDACTED]</b>   |                     |  |                                     | SIGNATURE OF BOARD PRESIDENT<br><b>[REDACTED]</b>   |                       |          |
| <b>INDORSEMENT</b>   |                     |  |                                     |   | <b>DATE: 1 AUG 03</b> |          |
| <b>TO:</b><br>SAF/MIBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742   |                     |  |                                     | <b>FROM:</b><br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR<br>ANDREWS AFB, MD 20762-7002 |                       |          |

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD03-0154

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable, change the Reason and Authority for discharge and to change the RE Code.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge is denied.

The board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

**ISSUE:** The applicant believes his discharge is inequitable because it was too severe a punishment. The applicant indicates that he looked up his Separation code on the Internet and decided that his code was due to "failed Drug Rehab". This issue is without merit. The applicant's Separation Code of JKK is for Drug Abuse. The applicant also admitted to using marijuana once during his enlistment. The records indicated the applicant received a Letter of Reprimand for admitting use of marijuana. The applicant admitted that he had lied during questioning by the OSI. Also, when questioned by OSI agents, he did admit to attempting to purchase marijuana over the Internet for a civilian roommate. He also admitted to using marijuana over two years ago; however, he did not disclose this information on his enlistment paperwork. The Board concluded the drug abuse was 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. 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

[REDACTED]

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a gen Disch fr USAF 14 Oct 99 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 9 Mar 79. Enlmt Age: 18 4/12. Disch Age: 20 7/12. Educ:HS DIPL. AFQT: N/A. A-92, E-72, G-64, M-63. PAFSC: 1N131 - Imagery Analysis Apprentice. DAS: 3 Sep 98.

b. Prior Sv: (1) AFRes 15 Jul 97 - 6 Jan 98 (5 Months 23 Days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 7 Jan 98 for 4 yrs. Svd: 1 Yr 9 Mos 8 Das, all AMS.

b. Grade Status: A1C - 7 MAY 99  
AMN - 7 JUL 98

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 31 Aug 99 - Admitted use of marijuana.

f. CM: None.

g. Record of SV: 7 Jan 98 - 6 Sep 99 Nellis AFB 1 (Initial) REF

(Discharged from Nellis AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (3) Mos (0) Das  
TAMS: (1) Yrs (9) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Mar 03.  
(Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

ISSUES ATTACHED TO BRIEF

FD2003-00154

**ATCH**

1. Applicant's Issues.
2. Enlisted Performance Report.

13 May 03/cr

**7. SUPPORTING DOCUMENTS** (*X as applicable*) (Please print name and Social Security Number on each document.)

|                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.                                    |
|                                     | ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.) |

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:


**8. ISSUES**  
 The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

Sir or Mam,

I was unaware until 11Sept01 (Date when which i tried to re-enter military service) that i was characterized as uneligible for re-enlistment of armed services. Upon further investigation via Seperation codes on the internet I became aware that my seperation code was due to "Failed Drug Rehab". Sir/Mam i was NEVER entered into a Drug Rehab center. I was accused by O.S.I. or using narcotics due to allegations by another member whom was arrested. I declined due to innocence (aware i should of had it). I completely cooperated with A.F.O.S.I. and submitted Urine, Blood AND hair Samples to be drug tested. All samples came back negative. Please note: If narcotics are used by an individual it will show up in hair samples for up to 6 months to one year. During this investigation on my person i had admitted to my first sargent that i had used marijuana once during my enlistment, unaware i would loose my career. This usage was while on-leave during the beginning of my enlistment. After the urine, blood and hair samples were tested to be negative i was still harrassed by fello staff treating me like i was guilty. It was at this time that i respectfully requested change to a different duty station or enlistment in "Boot-strap" (which is where you complete twice as much enlistment time, but is completed in a college environment). I was denied a change in station and Boot-strap by my commander. At this time i requested his Executive to "Please do anything to get me out of here, i can not stand being treated like i'm guilty. I will say i'm homosexual or i will use drugs if necessary to get discharged". My commanders Executive approached me the next day and advised me that she would be able to discharge me for "Misconduct" and that it would be a fast discharge under one week. I was happy about this discharge but was unaware that it would haunt me in the future. Sir/Mam i am currently a Correctional Officer (certified Peace Officer Category III) for the State of Nevada. I am trying to get on with local Law Enforcement agencies as a street cop but am unaware to due this due to the fact that my discharge is not "Honorable" but rather "General: Under Honorable Conditions". I was 19 years of age during this time and should have requested council to accurately represent my character. I am respectfully requesting a change in Seperation Code and Character of Service. If possible a change in Re-entry code and reason for seperation.

|                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.   |
| <input type="checkbox"/>            | I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES. |
| <input checked="" type="checkbox"/> | THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.  |

**9. CERTIFICATION**  
 I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

|   |  |
|---|--|
| <b>a. DATE (YYYYMMDD)</b><br><br>20030328 | <b>b. SIGNATURE</b><br> |
|---|--|

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

| ARMY  | NAVY & MARINE CORPS  | AIR FORCE  | COAST GUARD   |
|---|--|--|---|
| Army Review Boards Agency<br>Support Division, St. Louis<br>ATTN: SFMR-RBR-SL<br>9700 Page Avenue<br>St. Louis, MO 63132-5200<br>(See <a href="http://arba.army.pentagon.mil">http://arba.army.pentagon.mil</a> ) | Naval Council of Personnel Boards<br>720 Kennon Street, S.E.<br>Rm. 309 (NDRB)<br>Washington Navy Yard, DC<br>20374-5023 | SAF/MIBR<br>550-C Street West, Suite 40<br>Randolph AFB, TX 78150-4742 | Commandant (G-WPM)<br>2100 Second Street, S.W.<br>Washington, DC 20593-0001 |



## DEPARTMENT OF THE AIR FORCE

11TH RECONNAISSANCE SQUADRON (ACC)  
NELLIS AIR FORCE BASE, NEVADA

SEP 30 1999

MEMORANDUM FOR AIG [REDACTED] 11 RS

FROM: CC

SUBJECT: Notification Memorandum - Administrative Discharge Under AFI 36-3208

1. I am recommending your discharge from the United States Air Force for drug abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service may be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action are: It was disclosed by you, to MSgt [REDACTED] your first sergeant, on 3 Aug 99, that you had lied during questioning by the Office of Special investigations (OSI) on 2 Aug 99. You stated to him that you had told Special Agents (SA) [REDACTED] that you had not used marijuana when in fact you had used marijuana within the past month. When questioned by OSI agents, you did admit to attempting to purchase marijuana over the Internet for your civilian roommate whom you stated does smoke marijuana. You also admitted to using marijuana over two years ago; however, you did not disclose this information on your enlistment paperwork. For your actions, you received a letter of reprimand (LOR) on 31 Aug 99 and administrative discharge proceedings were initiated.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. 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.
4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel at Bldg 625 (Old Hospital) on ~~7 September~~<sup>October</sup> at 1100 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. **You have three (3) duty days (72 hours from the date/time served) to submit statements in your behalf.** Any statements you want the separation authority to consider must reach me by ~~5 September~~<sup>October</sup> at 1300 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.
6. 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.

7. You have previously been scheduled for a medical examination at the 99th Medical Group on 2 Sep 99 at 0800.
8. 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 your Unit Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.

  
Lt Col, USAF  
Commander

Attachments:

1. LOR, 31 Aug 99
2. OSI Report of Investigation