










AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE SSGT	AFSN/SSAN 				
TYPE	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	UOTHC	OTHER	DENY
							X
							X
							X
							X
							X
ISSUES A93.07, A93.09, A93.17		INDEX NUMBER A75.00		EXHIBITS SUBMITTED TO THE BOARD			
				1	ORDER APPOINTING THE BOARD		
				2	APPLICATION FOR REVIEW OF DISCHARGE		
				3	LETTER OF NOTIFICATION		
HEARING DATE 6 AUG 03		CASE NUMBER FD2003-0163		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 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.							
SIGNATURE OF RECORDER 				SIGNATURE OF BOARD PRESIDENT 			
INDORSEMENT					DATE: 6 AUG 03		
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

FD03-0163

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

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 to General 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.

The applicant's issues are listed in the attached brief.

ISSUE: The applicant contends his discharge was too harsh because of the stress and depression he was going through. The records indicated the applicant was discharged in lieu of a Court Martial and received an Under Other Than Honorable Discharge. The record also indicates that the applicant admitted to using marijuana on multiple occasions and also LSD use. The Board concluded the misconduct was a significant departure from 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.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
[REDACTED]

(Former SSGT) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 18 Dec 01 UP AFI 36-3208, Chapter 4 (Discharge in Lieu of Court Martial). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 23 Dec 71. Enlmt Age: 17 9/12. Disch Age: 29 11/12. Educ: HS DIPL. AFQT: N/A. A-63, E-85, G-76, M-72. PAFSC: T3C271 - Instructor, Communications-Computer Systems Control. DAS: 5 May 00.

b. Prior Sv: (1) AFRes 26 Sep 89 - 7 Aug 90 (10 months 13 days) (Inactive).

(2) Enlisted as AB 8 Aug 90 for 6 yrs. Extended 25 Oct 94 for 4 months. Svd: 9 yrs 6 months 5 days, all AMS. A1C - 21 Sep 90. SRA - 21 Jan 93. SSGT - 1 Sep 99. EPRs: 3,4,4,4,4,5,5,4,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSgt 14 Feb 00 for 6 yrs. Svd: 1 Yrs 10 Mo 4 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: 1 Oct 99 - 30 Sep 00 Keesler AFB 4 (Annual)

(Discharged from Keesler AFB)

h. Awards & Decs: NCOPMER, AFTR, AFOSSTR, AFOSLTR, NDSM, AFLSAR W/OLC, AFOUA W/OLC, AFGCM W/3 OLCS.

i. Stmt of Sv: TMS: (12) Yrs (2) Mos (23) Das

TAMS: (11) Yrs (4) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Mar 03.
(Change Discharge to General)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Request for Discharge in Lieu of Court Martial.
3. Two Character References.
4. Charge Sheet.
5. AF Form 1168.
6. Mississippi Crime Laboratory Report.
7. DD Form 214.
8. Personal Data Sheet.
9. Enlisted Performance Reports.
10. Three Letters of Appreciation.
11. Certificate of Appreciation.
12. Four Letters of Appreciation.
13. Three Certificates of Training.
14. Employee Safety and Health Record.
15. Award/Change AFSC.
16. Six Certificates of Training.

20MAY03/ia

To Whom It May Concern:

I am SSgt [REDACTED] I am applying for a records review, requesting my Discharge be reviewed for upgrade. I was discharged from the Air Force on December 18, 2001 with an Other Than Honorable Discharge In Lieu of Court-Martial for the admitted use of Marijuana during the Christmas Holidays of 2000. I had been teaching as an Instructor at Keesler AFB for 7 months and my stress level was high and my depressions were getting worse. During the time my family and I had been at Keesler in base housing, there had been many instances of trouble with my children, both on and off base. Security Forces and Local Police had been picking my children up for everything from breaking curfew, shoplifting on base, and possession. I knew that my family had some problems with drugs, and I was trying to get them to stop.

Upon returning from Christmas Vacation, I sought help by making an appointment at the hospital for treatment of stress and depression. I also applied to the hospital staff for a psychiatric consult. I was put on anti-depressant medication. A few days after my hospital appointment, there was a break-in of another housing unit where some items had been stolen. The Security Forces began a door-to-door search for the missing items. They arrived at my housing unit, while I was at work, my wife was going to a class, and a friend was babysitting the children. Because of all the trouble my children had been in, and because they were known for wearing boots, the Security Forces came to investigate my housing unit due to boot prints out side the unit that had been broken into.

My wife as she was leaving, gave them consent to search for the missing items. The items were not in my housing unit. During the search however, a small quantity of Marijuana was found in the housing unit. My oldest son was taken into custody, and my First Sergeant notified me to return to my housing unit where I was also taken into custody. During the OSI interview, I admitted to the use of Marijuana during the Christmas Holidays. I was also given a Urinalysis. The test results came back Negative for drugs. I began my Psychiatric Consultations the next day. No one seemed to be interested in the fact that I was already seeking help.

During my Psychiatric Evaluations and Therapy, it was discovered that I was suffering a mental disorder called Disthymia. It is a chemical imbalance in the brain that causes severe depression. They increased my dosage and the medication was treating it. My Psychiatric Therapist believed that my use of Marijuana was an attempt to "self medicate" trying to get over the depression. I was notified a few months later that I was being charged with Marijuana use on base, and Introduction onto a Military Base. My attorney advised me not to continue with the ADAPT Program after the initial visit, and what I should do to start building a case. I was given the choice of facing a charge of wrongful use, or applying for a Discharge in Lieu of Court-Martial.

The first submission of my Discharge request was for a General Discharge, which was approved all the way up the chain of command, when it was returned. Gen. Regni, returned it wanting it rewritten for a Discharge in Lieu of Court-Martial Under Other Than Honorable Conditions. This was approved and I have been Discharged from the Air Force since the 18th of December of 2001. I regret my actions and would like to get my Discharge upgraded. My ultimate goal is to try to get back into the Military and

finish out my term until retirement. I was dedicated to my job while in the Air Force and would like to return to Active Duty. I have lost friends, and lost respect from people important to me, but I have maintained my reputation for honesty and integrity. Even though I was being prosecuted for my admitted offense, I worked hard to continue being a productive member of my shop, teaching classes and working on our new curriculum. My family has changed much since this all began. My eldest son has joined the Navy. My youngest son is in the Navy ROTC program in school. Even my wife has sought help. It is my belief that I have learned some very important lessons, and would have much to say and do, not only in service to my country and the Air Force, but also on the job and to the Airmen that are just coming into the military. They need guidance and I would be honored to help them learn from my mistakes instead of their own and having the trouble that I had.

Please consider this request for an upgrade to my discharge. I have made a grievous error, and would like to make it up by growing, learning, and becoming better than I was before. Thank you.

Sincerely,



SSgt, USAF, Discharged
10219 Canton Field
San Antonio, TX. 78245
(210) 673-5227