

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.53	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 29 Oct 2003	CASE NUMBER FD-2003-00200	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

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 10/29/2003
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00200

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

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 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.

Issues. Applicant was discharged for a pattern of misconduct and drug abuse (marijuana), for which member received at least two Articles 15, a Letter of Reprimand, an Unfavorable Information File, and was placed on the Control Roster. Although the discharge documents are not available for review, a copy of member's Special Security File, and review of an Air Force Office of Special Investigations Report of Investigation confirmed member's misconduct and drug abuse. These records disclosed member had a civilian arrest for driving under the influence. Member's drug use was revealed through a random urinalysis returned positive for 97 nanograms of tetrahydrocannabinol, well above the Department of Defense cutoff of 15 nanograms. Three witness statements corroborated this drug abuse. Additionally, member provided alcoholic beverages to underage individuals, had alcoholic beverages in the dormitory, and failed to remain in his dormitory during curfew hours, per one of his Articles 15. Lacking any evidence from the applicant to the contrary, the Board relied on the presumption of regularity and found no wrongful action by the Air Force. At the time of the discharge, the Air Force's drug policy was well publicized and members were continually made aware that illegal drug use was not tolerated. Marijuana use is viewed as a very serious failure to meet Air Force standards. The Board noted that because drug abuse is not compatible with Air Force standards, the characterization of service member received is warranted; the discharge was proper and without basis for upgrade. The Board also noted that member was age 24 to 25 when his offenses occurred, the same age as other airmen who adhere to standards. He was counseled repeatedly in an effort to help him correct his deficiencies. In spite of those rehabilitative efforts, he was unwilling or unable to improve his behavior. The Board concluded applicant knew right from wrong and was responsible for his actions, and therefore was held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.

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 AB) (HGH A1C)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 5 Apr 02 UP AFI 36-3208, para 5.50 & 5.54 (Pattern of Misconduct & Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 27 Sep 76. Enlmt Age: 24 6/12. Disch Age: 25 6/12. Educ: HS DIPL. AFQT: N/A. A-83, E-76, G-59, M-62. PAFSC: 3E231 - Pavements & Construction Equipment Apprentice. DAS: Unknown.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 5 Apr 01 for 6 yrs. Svd: 1 Yrs 0 Mo 1 Das, all AMS.

b. Grade Status: AB - 6 Sep 01 (Article 15, 6 Sep 01)
A1C - 1 Jun 01

c. Time Lost: None.

d. Art 15's: (1) 20 Mar 02, Whiteman AFB, MO - Article 112a. You did, on or about 22 Dec 01 to on or about 22 Jan 02, wrongfully use marijuana. Suspended forfeiture of \$552.00 pay per month for two months. Thirty days extra duty, 30 days restriction, and a reprimand. (No appeal) (No mitigation)

(2) 6 Sep 01, Fort Leonard Wood, MO - Article 92. You did, at or near Fort Leonard Wood, MO, on or about 15 Aug 01, violate a lawful general instruction, to wit: SAFBI 36-2902, para 2.1.11, dated 15 Oct 97, by wrongfully providing alcoholic beverages to individuals who were under the legal drinking age of 21 and wrongfully possessing alcoholic beverages in the dormitory. You did, at or near Leonard Wood, MO, on or about 15 Aug 01, violate a lawful general instruction, to wit: SAFBI 36-2902, para 7.3.4, dated 15 Oct 97, by wrongfully failing to return to and remain in your assigned dormitory from 2200 until 0400. Reduction to AB, and forfeiture of \$200.00 pay. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

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g. Record of SV: None.

(Discharged from Whiteman AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (0) Mos (1) Das
TAMS: (1) Yrs (0) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Apr 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

4AUG03/ia