

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE A1C	AFSN/SSAN [REDACTED]	
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW		
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	NO			
	X			
MEMBERS SITTING		VOTE OF THE BOARD		
		HON	GEN	UOTHC
				OTHER
				DENY
[REDACTED]				X
[REDACTED]				X
[REDACTED]				X
[REDACTED]				X
[REDACTED]				X
ISSUES A94.05	INDEX NUMBER A66.00	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 8 AUG 03	CASE NUMBER FD2003-0240	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 [REDACTED]		SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INDORSEMENT			DATE: 8 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

FD03-0240

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.

ISSUES: Applicant does not contest his discharge. He merely states that he was never instructed that he had failed a urinalysis test and that if he worked undercover for the OSI, he would be kept in the Air Force. These issues are without merit. The applicant never did have a urinalysis test, nor was one requested, so he is correct in stating that he was never instructed about such a test. The Commander looked closely at the specific circumstances of the offense and of the applicant's cooperation with the OSI and with the local Sheriff's office; however, when the Commander decided to discharge the applicant, he informed the applicant that he was going to be discharged with a General Discharge. The applicant, on 16 Feb 00, signed the memorandum acknowledging that he has been notified about the discharge for drug abuse and understood the characterization for discharge was going to be General. The record indicates the applicant received a General Discharge for Misconduct, specifically, Drug Abuse. The applicant admitted to the OSI that he smoked 2 or 3 times. The Board found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the 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

[REDACTED]

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Mar 00 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: 18 Apr 80. Enlmt Age: 17 9/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-45, E-73, G-57, M-83. PAFSC: 1C131 - Air Traffic Control. DAS: 21 May 99.

b. Prior Sv: (1) AFRes 22 Jan 98 - 11 Aug 98 (6 Months 21 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AMN 12 Aug 98 for 6 yrs. Svd: 1 Yr 6 Mos 20 Das, all AMS.

b. Grade Status: A1C - 26 SEP 98

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 8 FEB 00 - Possession and use of marijuana.

f. CM: None.

g. Record of SV: None.

(Discharged from Tyndall AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (1) Mos (10) Das
TAMS: (1) Yrs (6) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 May 03.
(Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

Issue 1: I was never instructed that I had "failed" a urinalisis (sic) test

Issue 2: I was informed by the OSI that if I worked "undercover" for them, I would be kept in the Air Force, possibly with an administrative punishment of some kind.

Issue 3: I did work for the OSI for quite some time, but was told (after they got all the work from me they needed) that I was to be discharged with an honorable (sic) discharge, and will be able to reenlist at a "later date." As you can see, I did not receive (sic) an Honorable (sic) Discharge.

ATCH

1. Applicant's Congressional Letter.

18Jun03/cr

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

15 FEB 00

MEMORANDUM FOR AIRMAN FIRST CLASS [REDACTED]

FROM: 325 OSS/CC

SUBJECT: Notification Memorandum—Administrative Discharge

1. I am recommending your discharge from the United States Air Force for Drug Abuse. The authority for this action is Air Force Policy Directive 36-32 and Air Force Instruction 36-3208, Chapter 5, Section H, para 5.54, *Misconduct*. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.

2. My reasons for this action are:

You did, on or about 1 Oct 99 and 31 Oct 99, wrongfully use marijuana, as evidenced by a Letter of Reprimand, dated 8 Feb 00 (Atch 1a), and your own written statement to AFOSI, as evidenced by an AF Form 1168, Statement of Suspect/Witness/Complainant, dated 15 Nov 99 (Atch 1b).

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. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult Cap [REDACTED] Area Defense Counsel, Bldg. 1005 (3-2911) at 0900 on 16 FEB 00. You may consult civilian legal counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three (3) workdays unless you request and receive an extension, in writing, for showing good cause. I will send them to the separation authority.

6. If you fail to consult counsel or submit statements in your own behalf, your failure will constitute a waiver of your right to do so.


7. You have been scheduled for a medical records check as part of this discharge process. You must report to the NCOIC, Physical Examinations, Building 1309, Monday, Tuesday, Thursday or Friday between 1330 and 1500 to complete this medical records check.

8. You have been scheduled for a separations briefing. You must report to 325 MSS/DPMAR (Separations) section at 1030 on 16 Feb 00.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act. A copy of AFI 36-3208 is available for your use in the unit personnel office.

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



 Lt Col, USAF
Commander, 325 OSS

Attachments:

- 1a. Letter of Reprimand, 8 Feb 00
- 1b. AF Form 1168, 15 Nov 99
- 2. Airman's Receipt of Notification Memorandum