

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
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">NO</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	NO		X		
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	
		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]
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INDORSEMENT	DATE: 30 JUL 03
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD03-0242

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 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: Applicant does not contest his discharge. He states that it was based on one isolated incident after completing his full term of service with no adverse action. The record indicates the applicant received an Article 15 for wrongfully using marijuana. The applicant states that this incident occurred after he completed his full term of service. This issue is without merit as the offense occurred in December of 2001. The Article 15 was issued on February 8, 2002, after the urinalysis report came back positive for 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. 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

(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 21 Feb 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 21 Oct 74. Enlmt Age: 23 0/12. Disch Age: 27 4/12. Educ: HS DIPL. AFQT: N/A. A-45, E-80, G-74, M-68. PAFSC: 2E152 - Meteorological and Nav Sys Journeyman. DAS: 4 Jan 99.

b. Prior Sv: (1) AFRes 18 Nov 97 - 10 Feb 98 (2 Months 24 Days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AMN 11 Feb 98 for 4 yrs. Affected by STOP LOSS. Svd: 4 Yrs 0 Mo 11 Das, all AMS.

b. Grade Status: AB - 8 Feb 02 (Article 15, 8 Feb 02)
SRA - 11 Feb 01
A1C - 11 Dec 98

c. Time Lost: None.

d. Art 15's: (1) 8 Feb 02, Little Rock AFB, AR - Article 112a. You, did, on or about 16 Dec 01, wrongfully use marijuana. Reduction to AB, suspended forfeiture of \$250.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 11 Feb 98 - 02 Dec 99 Little Rock AFB 5 (Initial)
03 Dec 99 - 02 Dec 00 Little Rock AFB 5 (Annual)
03 Dec 00 - 02 Dec 01 Little Rock AFB 4 (Annual)

(Discharged from Little Rock AFB)

h. Awards & Decs: AFTR, AFOUA W/1 DEV, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (3) Mos (4) Das
TAMS: (4) Yrs (0) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 May 03.
(Change Discharge to Honorable)

Issue 1: My discharge was based on one isolated incident after completing full term of service with no adverse action. Aside from the incident, my service record was excellent. During my nine months of technical school, I maintained an "A" average. At my permanent duty station, I maintained above average EPRs. While attending Arkansas State University, my grade point average was a 3.5, I was on the Vice Chancellors (sic) list. During my enlistment, I earned my Associates of Arts degree. I also earned my black belt in martial arts. Through my Air Force career, I have earned the Air Force Outstanding Unit Award and the Air Force Good Conduct Medal.

Issue 2: Since my discharge, I have worked full time as a medical professional. I have been a full time student while working full time. I plan to attend graduate school to further my career. Due to my financial status, I am in need of the educational assistance in which I invested. The one time incident, did, in no way affect my performance during my enlistment nor has it affected my motivation for higher learning. Due to my excellent service record and community involvement during my enlistment, I am asking that my discharge be upgraded to Honorable.

ATCH

1. Character Statement.
2. Letter of Acceptance (Texas A&M Univ)
3. Certificate (Associate of Arts)

19Jun03/cr



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 314TH AIRLIFT WING (AETC)
LITTLE ROCK AIR FORCE BASE, ARKANSAS

FEB 08 2002

MEMORANDUM FOR AB [REDACTED]
314TH COMMUNICATIONS SQUADRON

FROM: 314 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your separation 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, Drug Abuse. If my recommendation for discharge is approved, the separation authority may characterize your service as either Honorable or Under Honorable Conditions (General). I will recommend characterizing your service as Under Honorable Conditions (General).
2. My reason for this action is that between on or about 1 December 2001 and on or about 16 December 2001, you wrongfully used marijuana, a controlled substance. (Atch 1-1 and Atch 1-2)
3. Copies of the documents to be forwarded to the Separation Authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the Air Force and, if 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 counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain [REDACTED] Area Defense Counsel, Bldg 1255, Rm 201, Telephone 7-3260 at 1000 hours on 11 February 2002. You may consult civilian 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 by three (3) workdays 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 on your own behalf, your failure will constitute a waiver of your right to do so.
7. You have been scheduled for a medical examination. You must report to Little Rock AFB Clinic at 1720 hours on 8 February 2002 for the examination.

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 the Orderly Room.

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



Major, USAF

Attachments:

- 1-1 Urinalysis Results, P 152034Z JAN 02
- 1-2 AF Form 1168 (SrA [redacted], 24 Jan 02
- 1-3 AF FM 2030, 27 Aug 97/11 Feb 98