

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]			
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
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES A95.00		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 13 AUG 03		CASE NUMBER FD2003-0247		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: 13 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

FD-2003-00247

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.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received an Article 15 for wrongfully using 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.

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]
[REDACTED]
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 21 FEB 02 UP AFI 36-3209, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 15 Mar 02. Enlmt Age: 18 0/12. Disch Age: 19 11/12. Educ: HS DIPL. AFQT: N/A. A-65, E-46, G-46, M-42. PAFSC: 4N031 - Medical Service Apprentice. DAS: 9 Mar 01.

b. Prior Sv: (1) AFRes 16 Mar 00 - 1 Aug 00 (4 months 17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Aug 00 for 4 yrs. Svd: 1 Yrs 6 Mo 20 Das, all AMS.

b. Grade Status: AMN - 19 Jan 02 (Article 15, 10 Jan 02)
A1C - 02 Dec 01
AMN - 02 Feb 01

c. Time Lost: None.

d. Art 15's: (1) 10 Jan 02, Travis AFB, CA - Article 112a. You, did in the state of California, on or about 17 Nov 01, wrongfully use marijuana. Reduction to Amn, suspended reduction to AB, forfeiture of \$200.00 pay per month for 2 months, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Travis AFB)

h. Awards & Decs: AFOUA, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (6) Das
TAMS: (1) Yrs (6) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Aug 02.
(Change Discharge to Honorable)

FD2003-00247

NO ISSUES SUBMITTED.

ATCH

None.

20JUN03/ia

PD2003-00247



DEPARTMENT OF THE AIR FORCE
60TH SURGICAL OPERATIONS SQUADRON (AMC)

MEMORANDUM FOR AMN [REDACTED], 60 MSGS



FROM: 60 MSGS/CC
101 Bodin Circle
Travis AFB CA 94535-1800

04 FEB 2002

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force pursuant to AFI 36-3208, paragraph 5.54, Misconduct, Drug Abuse. If my recommendation is approved, your service may be characterized as Honorable, General, or Under Other Than Honorable Conditions. I am recommending that your service be characterized as General.
2. My reason for initiating this action is that on or about 17 Nov 01, you wrongfully used marijuana, in violation of Article 112a, UCMJ. Your urine specimen was tested at Brooks AFB Laboratory and found to contain 69 ng/mL of Tetrahydrocannabinol (THC), which is more than 4 times over the DoD cutoff of 15 ng/mL. For this misconduct, you received an Article 15, dated 31 Dec 01, with establishment of an unfavorable information file (UIF) on 10 Jan 02 (Atch 1, Tab 1). Punishment consisted of reduction to the grade of airman, suspended reduction to the grade of airman basic, forfeiture of \$200.00 pay per month for 2 months, and 30 days of extra duty.
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 a higher authority, will decide whether you are to be discharged or retained in the Air Force, and if you are discharged, how your service should be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force, and any special pay, bonus monies, or education assistance funds may be subject to recoupment.
4. You have the right to consult with an attorney. Military legal counsel has been obtained to assist you. I have made an appointment for you to speak with **Captain [REDACTED]** Area Defense Counsel, 540 Airlift Drive, Bldg. 381, Suite D-100, Travis AFB, California, 94535-2479, DSN 837-4569; Commercial: (707) 424-4569, on 5 Feb 02 at 0900. You may also consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you wish the separation authority to consider must reach me by (three workdays from service of this letter) 7 FEB 02, no later than 1445 hours, unless you request and receive an extension for good cause. I will send the separation authority any documents you submit.

6. If you fail to consult counsel or 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 separation physical examination on 7 Feb 02 at 1030. You also have an appointment at the Primary Care Clinic on 7 Feb 02 at 1055 to consult with Dr. Yap.
8. Any personal information you furnish in rebuttal will be 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 acknowledgment and return it to me immediately.


 Colonel, USAF, MC
Commander

Attachment:
AF Form 3070, 31 Dec 01, w/Atchs