

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE AB	AFSN/SSAN ██████████			
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
						X
						X
						X
						X
ISSUES A94.53 A94.39 A92.37	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 05 Nov 2003	CASE NUMBER FD-2003-00313	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						
<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>						
INDORSEMENT		DATE: 11/13/03				
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				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00313

**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.

Issues. Applicant was discharged for misconduct, drug abuse. An Air Force Office of Special Investigations Report of Investigation documented member's alleged involvement with various drugs, witnessed by at least three different people, on up to 12 separate occasions. As part of the investigation, a positive consensual urinalysis in June 2001 disclosed the presence of marijuana, for which member pled guilty and was found guilty by Special Court Martial but did not receive a punitive discharge. Member testified under oath at court and admitted in a Stipulation of Fact that he did use marijuana on three occasions in October and November 2000, and June 2001. Member requested discharge in lieu of court martial conditioned on receipt of a general (under honorable conditions) discharge. That request was denied. Member also entered into a Pre-Trial Agreement in which he agreed to plead guilty to the charge noted above if certain other drug-related charges against him were dismissed. This request was granted. At the time of the administrative discharge processing, member failed to submit statements in his own behalf. The record review also disclosed member entered the military on a moral waiver due to a pre-service curfew violation, shoplifting, and resisting arrest. Additionally, his enlistment documents disclosed admitted pre-service marijuana use on five occasions during a 22-month period. With regard to the in-service drug use, the Board noted that the Air Force's drug policy was well publicized and members were continually made aware that illegal drug use was not tolerated. Drug abuse is a particularly serious failure to meet Air Force standards that does not warrant an honorable characterization of service. The Board could find no inequity or impropriety on which to base an upgrade to 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]  
[REDACTED]  
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 26 Jul 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 26 Jun 80. Enlmt Age: 18 0/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-51, E-82, G-74, M-46. PAFSC: 2E151 - Satellite, Wideband and Telemetry Systems Technician. DAS: 9 Aug 99.

b. Prior Sv: (1) AFRes 1 Jul 98 - 7 Oct 98 (3 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Oct 98 for 4 yrs. Svd: 3 Yrs 9 Mo 18 Das, of which AMS is 3 yrs 5 months 13 days (excludes 4 months 5 days lost time).

b. Grade Status: AB 26 Jul 02 (SPCMO No.1, 22 Apr 02)  
A1C - 8 Feb 00  
AMN - 8 Apr 99

c. Time Lost: 7 Mar 02 thru 12 Jul 02 (4 months 5 days).

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial Order No.1 - 22 Apr 02

CHARGE: Article 112a.

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Specification 1: Did, at or near Oklahoma City, OK, between on or about 9 Mar 01 and on or about 11 Mar 01, wrongfully possess approximately 5 pounds of marijuana, with intent to distribute the said marijuana. Plea: NG (withdrawn after arraignment).

Specification 2: Did, at or near Oklahoma City, OK, on divers occasions between on or about 15 Nov 00 and on or about 4 Jun 01, wrongfully use marijuana. Plea: Guilty. Finding: Guilty.

Specification 3: Did, at or near Oklahoma City, OK, between on or about 15 Nov 00 and on or about 6 Apr 01, wrongfully use ecstasy. Plea: NG (withdrawn after arraignment). Sentence adjudged by military judge on 7 March 2002: Confinement for 5 months, reduction to E-1, and forfeiture of \$600.00 pay per month for 5 months.

g. Record of SV: 8 Oct 98 - 7 Jun 00 Tinker AFB 4 (Initial)  
8 Jun 00 - 7 Jun 01 Tinker AFB 4 (Annual)

(Discharged from Tinker AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (8) Mos (21) Das  
TAMS: (3) Yrs (5) Mos (14) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 1 Jul 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH  
None.

6AUG03/ia



DEPARTMENT OF THE AIR FORCE  
3d COMBAT COMMUNICATIONS GROUP (ACC)  
TINKER AIR FORCE BASE OKLAHOMA

FD2003-00313

1 July 2002

MEMORANDUM FOR AB [REDACTED]

FROM: 33 CCS/CC  
Tinker AFB OK 73145

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.54. Drug Abuse. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reason for this action:

On divers occasions between on or about 15 Nov 00 and on or about 4 Jun 01, at or near Oklahoma City OK, you wrongfully used marijuana. On or about 7 Mar 02, you were tried by Special Court Martial and found guilty of that wrongful marijuana use. By Special Court-Martial Order, Numbered 1, you were sentenced to confinement for 5 months, reduction to the grade of airman basic, and forfeiture of \$600 pay per month for 5 months. See Atch 1.

3. You have the right to consult counsel. Military legal counsel assistance will be obtained for you by your First Sergeant. Your First Sergeant will arrange for you to consult [REDACTED] at Bldg 452, Tinker AFB OK. Cap [REDACTED] office telephone number is 405/739-[REDACTED]. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 3 July 2002, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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

6. You were scheduled for a medical examination on 24 June 2002, and you should have reported to the Tinker AFB Hospital, Physical Exam Section, on that date for the examination.

7. 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.

*Global Power for America*

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



Attachments:

1. Special Court-Martial Order #1
2. Acknowledgment Ltr