

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

|  |              |                                |
|--|--------------|--------------------------------|
| <b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b><br>[REDACTED] | <b>GRADE</b> | <b>AFSN/SSAN</b><br>[REDACTED] |
|--|--------------|--------------------------------|

|             |                            |          |                      |
|-------------|----------------------------|----------|----------------------|
| <b>TYPE</b> | <b>PERSONAL APPEARANCE</b> | <b>X</b> | <b>RECORD REVIEW</b> |
|-------------|----------------------------|----------|----------------------|

|                |  |   |
|----------------|--|---|
| <b>COUNSEL</b> | <b>NAME OF COUNSEL AND OR ORGANIZATION</b> | <b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b> |
| <b>YES</b>     | <b>No</b>                                  |   |
|                | <b>X</b>                                   |   |

| <b>MEMBER SITTING</b> | <b>VOTE OF THE BOARD</b> |     |       |       |      |
|-----------------------|--------------------------|-----|-------|-------|------|
|                       | HON                      | GEN | UOTHC | OTHER | DENY |
| [REDACTED]            |                          |     |       |       | X    |
| [REDACTED]            |                          |     |       |       | X    |
| [REDACTED]            |                          |     |       |       | X    |
| [REDACTED]            |                          |     |       |       | X    |
| [REDACTED]            |                          |     |       |       | X    |

|                                    |                                     |  |  |
|------------------------------------|-------------------------------------|--|--|
| <b>ISSUES</b> A94.05               | <b>INDEX NUMBER</b> A67.30          | <b>EXHIBITS SUBMITTED TO THE BOARD</b> |  |
|                                    |                                     | <b>1</b>                               | ORDER APPOINTING THE BOARD                                   |
|                                    |                                     | <b>2</b>                               | APPLICATION FOR REVIEW OF DISCHARGE                          |
|                                    |                                     | <b>3</b>                               | LETTER OF NOTIFICATION                                       |
|                                    |                                     | <b>4</b>                               | BRIEF OF PERSONNEL FILE                                      |
|                                    |                                     |  | COUNSEL'S RELEASE TO THE BOARD                               |
| <b>HEARING DATE</b><br>20 Nov 2003 | <b>CASE NUMBER</b><br>FD-2003-00338 |  | ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE |
|                                    |                                     |  | TAPE RECORDING OF PERSONAL APPEARANCE                        |

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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

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| <b>SIGNATURE OF RECORDER</b><br>[REDACTED] | <b>SIGNATURE OF BOARD MEMBER</b><br>[REDACTED] |
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|                    |                         |
|--------------------|-------------------------|
| <b>INDORSEMENT</b> | <b>DATE: 11/21/2003</b> |
|--------------------|-------------------------|

|  |   |
|--|---|
| <b>TO:</b><br>SAF/MRBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742 | <b>FROM:</b><br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3RD FLOOR<br>ANDREWS AFB, MD 20762-7002 |
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2003-00338**

**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 available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of Discharge is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received a General Discharge for Misconduct, specifically, for Commission of a Serious Offense. The applicant plead guilty during a Special Court Martial 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. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons that were the basis for this case.

**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 SRA) (HGH TSgt)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 4 Nov 99 UP AFI 36-3208, para 5.52 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 14 Aug 63. Enlmt Age: 18 2/12. Disch Age: 36 2/12. Educ: HS DIPL. AFQT: N/A. A-53, E-60, G-66, M-54. PAFSC: 4N051 - Medical Service Journeyman. DAS: 7 Jun 94.

b. Prior Sv: (1) AFRes 13 Nov 81 - 8 Apr 82 (4 Months 27 Days) (Inactive).

(2) Enld as AB 9 Apr 82 for 4 yrs. Reenld as SRA 1 Apr 86 for 4 yrs. Ext: 27 Oct 89 for 21 months. Reenld as SSgt 27 Mar 90 for 4 yrs. Ext: 20 Jun 91 for 9 months. Reenld as SSgt 22 Oct 93 for 4 yrs. Svd: 15 Yrs 0 Mos 21 Das, all AMS. AMN - (EPR Indicates): 9 Apr 82 - 8 Apr 83. AlC - (EPR Indicates): 9 Apr 83 - 8 Apr 84. SrA - 9 Apr 85. SSgt - 1 Sep 89. TSgt - 1 Jan 97. APRs: 9,9,9,9,9,9,9,9,9. EPRs: 5,5,5,5,5,5,5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenld as TSgt 30 Apr 97 for 4 yrs. Svd: 2 Yrs 6 Mo 6 Das, of which AMS is 2 Yrs 5 Mos 12 Das (Ex: 24 Das lost time)

b. Grade Status: SrA - 29 Jun 99

c. Time Lost: 15 Jun 99 - 8 Jul 99) 24 Days

d. Art 15's: None.

e. Additional: None

f. CM: Special Court Martial Order No. 4, 8 Jul 99.

CHARGE: Article 112a. Plea: Guilty. Finding: Guilty.

Specification: Did, on divers occasions, at or near Altus AFB, OK, between on or about 30 Jul 98 to about 29 Jan 99, wrongfully use marijuana. Sentence adjudged on 15 Jun 99. Confinement for 30 days and reduction to the grade of SrA.

g. Record of SV: 2 Mar 97 - 1 Mar 98 Altus AFB 5 (Annual)  
 2 Mar 98 - 1 Mar 99 Altus AFB 1 (Annual) REF

(Discharged from Altus AFB)

h. Awards & Decs: AFAM W/1 DEV, AFCM W/1 DEV, AFLSA W/3 DEV, AFTR, AFOLTR, NDSM, SAEMR, NCOPMER W/2 DEV, AFOUA W/3 DEV, AFOEA, AFGCM W/4 DEV.

i. Stmt of Sv: TMS: (17) Yrs (10) Mos (29) Das  
TAMS: (17) Yrs (6) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Jul 03.  
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on one isolated incident in 17.5 years of flawless service.

Issue 2: My discharge was not the result of court martial, it was based on Commander's recommendation. I recieved (sic) an administrative discharge after my court martial board ruled that discharge action was not warranted.

**ATCH**

1. Character References (7)

22 Jul 03/cr



military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

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 unit orderly room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. The discharge board or, the discharge authority will make the finding and recommendations required under 10 U.S.C. § 2005(g).

11. Execute the acknowledgment and return it to me immediately.



**Attachments:**

- a. AF Form 1359, dtd 15 Jun 99
- b. Memo for 97 MDOS/CC - Positive Drug Urine Test