

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b> AB	<b>AFSN/SSAN</b> [REDACTED]			
<b>TYPE UOHC</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>			
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<b>YES</b>	<b>No</b>	[REDACTED]				
<b>X</b>		[REDACTED]				
<b>MEMBER SITTING</b>		<b>VOTE OF THE BOARD</b>				
		<b>HON</b>	<b>GEN</b>	<b>UOHC</b>	<b>OTHER</b>	<b>DENY</b>
[REDACTED]						<b>X</b>
[REDACTED]						<b>X</b>
[REDACTED]						<b>X</b>
[REDACTED]						<b>X</b>
[REDACTED]						<b>X</b>
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
A94.11 A94.39 A94.07 A01.15 A94.55		A66.00		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		
<b>HEARING DATE</b>		<b>CASE NUMBER</b>				
17 Dec 2003		FD-2003-00341				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard at Washington, D.C.</p> <p>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.</p>						
[REDACTED SIGNATURE]						
<b>ORSLVMENT</b> <span style="float:right;">DATE: 12/17/2003</span>						
<b>TO:</b>				<b>FROM:</b>		
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 3RD FLOOR ANDREWS AFB, MD 20762-7002		

## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD2003-00341

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

Issues. Applicant was discharged under other than honorable conditions for a pattern of misconduct and drug abuse. Member admitted to the Air Force Office of Special Investigations (AFOSI) in two signed sworn statements that he had illegally used "Ecstasy" at an off base party, as well as smoking marijuana and snorting what he believed to be cocaine. These incidents occurred over a 9-month period. Three witness statements corroborated applicant's illegal drug use. Member received an Article 15 for the marijuana use only, and cooperated with AFOSI in identifying other airmen using illegal drugs. Additionally, applicant had other misconduct consisting of missed appointments, failed dormitory room inspections, dress and appearance violations, failure to go, arriving to work intoxicated, speeding, an unauthorized guest in his dorm room, civilian arrest for drunk and disorderly, and providing alcohol to someone underage. For these infractions he had two Letters of Counseling, ten Letters of Reprimand, and another Article 15. The record also disclosed applicant was the subject of two separate alleged rape charges 18 months apart involving two different females. One incident occurred in applicant's on-base dormitory room, the other at his off-base residence. Both involved alcohol on the part of both the applicant and the victims, and in each case there was insufficient information to conclude that rape actually occurred, so no further action was taken. At the time of the discharge, member consulted counsel and unconditionally waived his right to an administrative discharge board or to submit statements in his own behalf. He now contends his discharge was unjust because he was an AFOSI informant when the misconduct occurred, and after threats from and a disagreement with AFOSI, he was unfairly scrutinized. That resulted in the documentation of other infractions. He fails, however, to address the marijuana use for which he was punished and his other illegal drug use. The records review clearly shows that applicant's illegal drug use preceded his cooperation with AFOSI, and that the information he provided them was given in an attempt to "bail" himself out of trouble after he realized AFOSI had something on him. The Board thus found no merit in applicant's issues. At the time of the discharge, the Air Force's drug policy was well publicized and members were continually made aware that illegal drug use was not tolerated. "Ecstasy," cocaine, and marijuana use are viewed as a very serious failures to meet Air Force standards. Because drug abuse is not compatible with Air Force standards, the characterization of service applicant received is warranted.

**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

MISSING MEDICAL RECORDS  
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 8 Jan 03 UP AFI 36-3208, para 5.54 & 5.50 (Drug Abuse & Pattern of Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 May 80. Enlmt Age: 18 10/12. Disch Age: 22 7/12. Educ: HS DIPL. AFQT: N/A. A-50, E-60, G-55, M-78. PAFSC: 3P051 - Security Forces Journeyman. DAS: 31 Jan 01.

b. Prior Sv: (1) AFRes 31 Mar 99 - 20 Apr 99 (21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Apr 99 for 4 yrs. Svd: 3 Yrs 8 Mo 18 Das, all AMS.

b. Grade Status: AB - 6 Nov 02 (Article 15, 6 Nov 02)  
A1C - 22 Aug 00  
AMN - 22 Oct 99

c. Time Lost: None.

d. Art 15's: (1) 6 Nov 02, Beale AFB, CA - Article 112a. You did, on divers occasions between on or about 1 Oct 01 and 31 Mar 02, wrongfully use marijuana. Reduction to Airman Basic, 30 days extra duty, and 30 days restriction. (No appeal) (No mitigation)

(2) 6 Jun 02, Article 92. You, who knew or should have known of your duties, on or about 4 May 02, were derelict in the performance of those duties in that you willfully provided alcoholic beverages to a person under 21 years of age. Suspended forfeiture of \$367.00 pay, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 15 NOV 02 - Civil arrest for drunk and disorderly conduct.

LOR, 15 NOV 02 - Failed room inspection.

LOR, 12 SEP 02 - Failed room inspection.

LOR, 15 AUG 02 - Failed room inspection.

LOC, 03 MAY 02 - Missed appointment.

LOR, 15 APR 02 - Unauthorized guest living in dorm room, failure to obey orders, and exhibition of speed.

LOR, 15 MAR 02 - Speeding.

LOR, 02 JAN 02 - Arriving at work with alcohol in system.  
 LOR, 12 SEP 00 - Failure to go.  
 LOR, 08 AUG 00 - Failure to meet dress and appearance standards.  
 LOR, 08 AUG 00 - Failure to complete training requirements.  
 LOC, 06 JUL 00 - Missed appointment.

f. CM: None.

g. Record of SV: 22 Apr 99 - 22 Feb 01 Beale AFB 5 (Annual)  
 23 Feb 01 - 22 Apr 02 Beale AFB 2 (Annual) **REF**

(Discharged from Beale AFB)

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

i. Stmt of Sv: TMS: (3) Yrs (9) Mos (8) Das  
 TAMS: (3) Yrs (8) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Jul 03.  
 (Change Discharge to Honorable)

Issue 1: Airman [REDACTED] discharge was unjust and inequitable because the conduct occurred while he was participating in an OSI investigation.

Issue 2: The discharge should be changed to "for the convenience of the government," and upgraded to "Honorable."

Issue 3: Please refer to the attached "Brief Supporting Application for Review of Discharge," which is hereby incorporated into this 'Application for Review of Discharge From the Armed Forces of the United States' by reference as if it had been fully included in this block(8) of this application form.

**ATCH**

1. Supporting Application for Review of Discharge.
2. Letters of Appreciation.
3. Certificates of Appreciation.
4. Letter of Congratulations.

22AUG03/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 9TH MISSION SUPPORT GROUP (ACC)  
BEALE AIR FORCE BASE, CALIFORNIA

2 December 2002

MEMORANDUM FOR AB [REDACTED]  
9<sup>th</sup> Security Forces Squadron

FROM: 9 SFS/CC

SUBJECT: Letter of Notification--Board Hearing

1. I am recommending your discharge from the United States Air Force for Drug Abuse and a Pattern of Misconduct. The authority for this action is AFI 36-3208, paragraphs 5.54 and 5.50. If my recommendation is approved, your service will be characterized as under other than honorable conditions. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. You did, on or about 13 June 2000, fail to report for a "Cargo Prep" appointment. You were notified of the date and time of this appointment in advance and you did not take appropriate actions to ensure that you arrived at the appropriate time. For this misconduct you received a Letter of Counseling dated 6 July 2000 (atch 1).

b. You were, on or about 3 August 2000, counseled that due to your failure to meet Air Force training requirements, you were immediately required to study for four hours every day. For this misconduct you received a Letter of Reprimand dated 8 August 2000 (atch 2).

c. You were, on or about 7 August 2000, scheduled for a military appointment at the firing range. When you arrived, your appearance did not meet the regulations governing dress and appearance standards. For this misconduct you received a Letter of Reprimand dated 8 August 2000 (atch 3).

d. You did, on or about 12 September 2000, fail to report to a mandatory Commander's Call. This was the second time you failed to attend a mandatory appointment. For this misconduct you received a Letter of Reprimand dated 12 September 2000 (atch 4).

e. You did, on or about 21 December 2001, report to work with alcohol in your system. The posted duty roster mandates that no alcoholic beverages will be consumed 8 hours prior to duty. For this misconduct you received a Letter of Reprimand dated 2 January 2002 (atch 5).

f. On or about 15 March 2002, it was alleged that you passed several vehicles at a high rate of speed near the North Beale Road gate. For this misconduct you received a Letter of Reprimand dated 15 March 2002 (atch 6).

g. On or about 11 April 2002, during a routine dorm room inspection, it was discovered that you had an unauthorized and unescorted guest, to wit: your brother, staying in your dorm room. You allowed him on the installation without a valid visitor's pass. You also failed to remove the tires and kegs that you were ordered to remove from your dorm room. On the same day, you were cited for an exhibition of speed while entering the main gate. For this misconduct you received a Letter of Reprimand dated 15 April 2002 (atch 7).

h. You did, on or about 23 April 2002, fail to report for a mandatory dental appointment. You were notified of the date and time of this appointment in advance and you did not take appropriate actions to ensure that you arrived at the appropriate time. For this misconduct you received a Letter of Counseling dated 3 May 2002 (atch 8).

i. You did, at or near Beale Air Force Base, California, on or about 4 May 2002, act in dereliction in the performance of your duties, in that you willfully provided alcoholic beverages to a person under 21 years of age. You also did, at or near dormitory building 24110, Beale Air Force Base, California, on or about 4 May 2002, willfully damage military property of the United States, the amount of said damage being in the sum of \$30.00. For this misconduct, you received an Article 15, Record of Nonjudicial Punishment, dated 6 June 2002. Your punishment was forfeiture of \$367.00 pay, suspended (atch 9).

j. On or about 14 August 2002, during a routine inspection, it was discovered that you had failed to maintain cleanliness standards established in the dorm handbook issued to you upon your entry into the dorms. For this misconduct you received a Letter of Reprimand dated 15 August 2002 (atch 10).

k. On or about 11 September 2002, during a routine inspection, it was discovered that you had failed to maintain cleanliness standards established in the dorm handbook issued to you upon your entry into the dorms. For this misconduct you received a Letter of Reprimand dated 12 September 2002 (atch 11).

l. You did, at or near Beale Air Force Base, California, on divers occasions between on or about 1 October 2001 and on or about 31 March 2002, wrongfully use marijuana. For this misconduct you received an Article 15, Record of Nonjudicial Punishment dated 6 November 2002. Your punishment was reduction to the grade of Airman Basic, 30 days extra duty and restriction to the limits of Beale Air Force Base, CA for 30 days (atch 12).

m. On or about 1 November 2002, you were arrested for drunk and disorderly conduct at the University Bar in Chico, CA. For this misconduct you received a Letter of Reprimand dated 15 November 2002 (atch 13).

n. On or about 12 November 2002, during a routine inspection, it was discovered that you had failed to maintain cleanliness standards established in the dorm handbook issued to you upon your entry into the dorms. For this misconduct you received a Letter of Reprimand dated 15 November 2002 (atch 14).

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive an as under other than honorable conditions discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. 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 and any special pay, bonus, or education assistance funds may be subjected to recoupment.

4. You have the right to:

- a. Consult legal counsel;
- b. Present your case to an administrative discharge board;
- c. Be represented by legal counsel at a board hearing;
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing; or
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.


5. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you with the Area Defense Counsel's Office, Building 2179, Room 102, ext 2081, on Monday, **2 December 2002** at **1130**. You may consult civilian counsel at your own expense.

6. Confer with your counsel and reply, in writing, within seven (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.

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 your orderly room or at Separations in the Military Personnel Flight.

8. 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.

9. The discharge board or discharge authority will make the findings and recommendations required under Title 10, U.S.C., 2005 (g).
10. Execute the attached acknowledgement and return it to me immediately.
11. You have been scheduled for a medical examination. You must report to **Public Health Room 167 on 3 December 2002 at 0730** for the examination. **If you wear contact lenses, please wear your prescribed glasses. If you have a family history of Diabetes you need to fast 14 hours prior to your appointment.**

  
Major, USAF  
Commander, 9 SFS

Attachments:

1. LOC, 6 Jul 00
2. LOR, 8 Aug 00
3. LOR, 8 Aug 00
4. LOR, 12 Sep 00
5. LOR, 2 Jan 02
6. LOR, 15 Mar 02
7. LOR, 15 Apr 02
8. LOC, 3 May 02
9. Art 15, 6 Jun 02
10. LOR, 15 Aug 02
11. LOR, 12 Sep 02
12. Art 15, 6 Nov 02
13. LOR, 15 Nov 02
14. LOR, 15 Nov 02