

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE Amn	AFSN/SSAN ██████████			
TYPE: GEN	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
						X
ISSUES A92.15 A92.01	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 17 Oct 2003	CASE NUMBER FD-2003-00347		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						
<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> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>						
INDORSEMENT					DATE: 10/17/2003	
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

FD2003-00347

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 the applicant substantiates an impropriety or inequity that would justify an upgrade of the discharge to honorable.

Issues. Applicant was discharged for misconduct, namely drug abuse (marijuana), for which member received an Article 15. Member also had a Record of Individual Counseling for driving a government vehicle on the flight-line without a seatbelt. The record shows that at the time of the discharge member consulted counsel yet waived his right to submit statements in his own behalf. Furthermore, member did not request he be considered for retention at the time of the discharge, and had he, the burden would have been his to show he met the seven retention criteria. Applicant now infers his illegal marijuana use was a lapse of judgment due to immaturity and admits he made a "mistake." 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. Marijuana use is viewed as a very serious failure to meet Air Force standards. The Board noted that because drug abuse is not compatible with Air Force standards, the characterization of service he 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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 17 Mar 00 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 14 Dec 78. Enlmt Age: 18 11/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-72, E-72, G-70, M-78. PAFSC: 2A632 - Aerospace Ground Equipment Apprentice. DAS: 16 Oct 98.

b. Prior Sv: (1) AFRes 9 Dec 97 - 3 Mar 98 (2 Months 23 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 4 Mar 98 for 4 yrs. Svd: 2 Yrs 0 Mos 14 Das, all AMS.

b. Grade Status: AMN - 17 Feb 00 (Article 15, 17 Feb 00)
A1C - 4 Jul 99
AMN - 4 Sep 98

c. Time Lost: None.

d. Art 15's: (1) 17 Feb 00, Hill AFB, UT - Article 112a. You did, on or about 3 Dec 99, wrongfully use marijuana. Reduction to AMN. (No appeal) (No mitigation)

e. Additional: RIC - 14 MAY 99 - Failure to wear seat belt.

f. CM: None.

g. Record of SV: 4 Mar 99 - 3 Nov 99 Hill AFB 5 (Initial)

(Discharged from Hill AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (3) Mos (9) Das
TAMS: (2) Yrs (0) Mos (14) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Jul 03.
(Change Discharge to Honorable)

Issue 1: Im (sic) writing (sic) to ask for my discharge to be upgraded to Honorable. I feel I was a very good airman. I took great pride the (sic) Air Force and still do. I made a terrible mistake while I was 20 years old man four

years later I look at life alot (sic) different. I just enrolled in tech school. I've been with the same job for three year (sic). I contuiue (sic) to work the way I was taught in the Air Force. The only EPR I had was a firewall 5. Please understand I know it was a mistake but I still fell (sic) I served Honorable (sic).

ATCH
None.

28 Aug 03/cr

DEPARTMENT OF THE AIR FORCE
388TH MAINTENANCE SQUADRON
HILL AIR FORCE BASE, UTAH

1 MAR 00

MEMORANDUM FOR AMN [REDACTED]

FROM: 388 MXS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge 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. If my recommendation is approved, your service will be characterized as either honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reason for this action is:

On or about 3 December 1999, you wrongfully used marijuana. For this misconduct you received an Article 15, dated 17 Feb 00. (Atch 1a)

3. Other derogatory data:

a. Letter of Counseling dated 14 May 1999. (Atch 2a)

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.

5. You have the right to consult counsel. I have made an appointment for you with the Area Defense Counsel's Office, Building 1205, on 2 Mar 2000 at 1000. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 6 Mar 2000, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. 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.

8. Your medical examination can be completed on 1 Mar 2000, between 1300 and 1500, at the Physical Exams Section.

9. 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.



Lt Col, USAF

Commander

Attachments:

1. a. Article 15, dtd 17 Feb 00
2. Other derogatory data
 - a. LOC, dtd 14 May 99