

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>		GRADE AB	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>										
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW										
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">No</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		YES	No		X	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">NAME OF COUNSEL AND OR ORGANIZATION</td> <td style="width: 50%;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> <tr> <td colspan="2" style="height: 40px;"></td> </tr> </table>		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL		
COUNSEL													
YES	No												
	X												
NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL												
MEMBER SITTING		VOTE OF THE BOARD											
		HON	GEN										
		UOTHC	OTHER										
		DENY											
			X										
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ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD											
A92.21 A93.01	A67.70	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										
HEARING DATE 17 Dec 2003	CASE NUMBER FD-2003-00421												
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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>													
SIGNATURE OF RECORDER		SIGNATURE OF BOARD PRESIDENT											
INDORSEMENT		DATE: 12/17/2003											
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

FD-2003-00421

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are 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 on the propriety and equity of his discharge 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 tested positive during a random urinalysis and received an Article 15 for the wrongful use of marijuana. The applicant stated his use was a one-time deal, an experiment; however, his enlistment records show he admitted to using marijuana prior to entry into the Air Force. At the time of discharge, the Air Force's drug policy was well publicized and members were continually made aware that illegal drug use was not tolerated. The Board concluded the disciplinary infraction was a significant departure from the conduct expected of all military members. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of 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)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 12 Oct 01 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 16 Mar 82. Enlmt Age: 18 5/12. Disch Age: 19 6/12. Educ: HS DIPL. AFQT: N/A. A-72, E-56, G-48, M-43. PAFSC: 2W131K - Aircraft Armament Systems Apprentice. DAS: 14 Jun 01.

b. Prior Sv: (1) AFRes 14 Sep 00 - 16 Oct 00 (1 month 3 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 17 Oct 00 for 6 yrs. Svd: 0 Yrs 11 Mo 26 Das, all AMS.

b. Grade Status: AB - 13 Sep 01 (Article 15, 13 Sep 01)
A1C - 1 Dec 00

c. Time Lost: None.

d. Art 15's: (1) 13 Sep 01, Barksdale AFB, LA - Article 112a. You did, within the continental United States, between on or about 16 Jun 01 and on or about 16 Jul 01, wrongfully use marijuana. Reduction to AB, 45 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Barksdale AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (0) Mos (28) Das
TAMS: (0) Yrs (11) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Oct 01.

(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

Issue 1: I [REDACTED] Napoleon, SSA [REDACTED] am asking that my discharge and reentry code be over turned. I have had plenty of time to ponder on what actions I should have taken before the incident occurred. I wrongfully used Marijuana while in the military. It was only a one time deal, an experiment. I assure you I will never participate in that kind of conduct again.

I have turned my life around since then. I now have a 1 year-old son and a wonderful wife. I hope that you can change that part of my life so that I can maybe have a second chance at being apart of the United States Military again.

Thank you for your time and consideration. I hope that these references can help your decision.

ATCH

1. Three Character References.

2OCT03/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE BASE, LOUISIANA

FD 2003-00421

MEMORANDUM FOR AB [REDACTED]

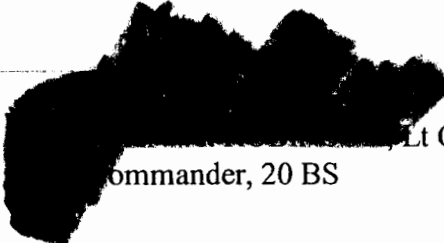
FROM: 20 BS/CC

SUBJECT: Notification Letter – Administrative Discharge

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, para 5.54. If my recommendation is approved, your service may be characterized as under honorable conditions (general).
2. My reasons for this action are as follows: Between 16 Jun 01, and 16 Jul 01, you wrongfully used marijuana, as evidenced by an Article 15, (Tab A).
3. Copies of the document(s) referenced above have been attached and will be forwarded to the separation authority in support of this recommendation. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force, and if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.
4. You have the right to consult military counsel. Military legal counsel, Capt [REDACTED] Area Defense Counsel (ADC) for Barksdale AFB, Extension 6-8355, Building 4714 (gym annex building), third floor, has been obtained to assist you. An appointment has been scheduled for you to consult with the ADC on 27 Sep 01 at 1400 hrs. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your behalf. Any statements you want the separation authority to consider must reach me within three (3) duty days, unless you request and receive an extension for good cause. I will send any statements that you provide to the separation authority.
6. If you fail to consult counsel or fail to submit statements in your behalf, you will waive the right to do so.
7. You have been scheduled for a medical examination. You must report to Flight Medicine **with your medical records** for the appointment. Your appointment is on _____ at _____ hrs. PHYSICAL EXAMS 28 Sep 0800 with Medical Records
FAMILY PRACTICE 1 Oct 0750
8. You have been scheduled for a Pre-separation Counseling briefing. You must report to the Family Support Center, Bldg 4713, at 0830 on 4 Oct 01 for the briefing.

9. Any personal information that you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 35-3208, the AFI governing this case, is available for your use in your unit Orderly Room.

10. Execute the attached acknowledgement and return it to me immediately.



Lt Col, USAF
Commander, 20 BS

Attachments:

1. Acknowledgment/Receipt of Notification of Memorandum
2. Supporting Document (Tab A)