

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE SRA	AFSN/SSAN [REDACTED]
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TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No			
	X			

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.11 A93.17	INDEX NUMBER A66.00	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; text-align: center; padding: 5px;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center; padding: 5px;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center; padding: 5px;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center; padding: 5px;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </tbody> </table>	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		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		TAPE RECORDING OF PERSONAL APPEARANCE
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HEARING DATE 23 Jan 2004	CASE NUMBER FD-2003-00488	
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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

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INDORSEMENT		DATE: 1/29/2004
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

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.

ISSUES:

Issue 1: Applicant contends his discharge was inequitable because he thinks his first sergeant was unfairly determined to end his career. The records indicate the applicant received two letters of counseling, two records of individual counseling, and two letters of reprimand for misconduct, as well as a letter of counseling for improper drug use. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The board finds that the actions taken by the applicant's chain of command were equitable in light of the misconduct exhibited by the applicant.

Issue 2: The applicant contends his discharge was improper because he had self-identified for drug use and is under the impression that such self-identification precludes a discharge. Air Force Instruction 36-3208, paragraph 1.21.4.1, says that self-identification of drug abuse may be used as reason to discharge, but not in the characterization of service if the member identified for the purpose of seeking treatment. The record indicates the applicant never told his first sergeant or commander that he wanted treatment. The DRB took note of the applicant's duty performance as documented by his performance reports and other accomplishments. They found the seriousness of the willful misconduct offset 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.

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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 5 Feb 05 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 17 Mar 81. Enlmt Age: 17 11/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-94, E-71, G-70, M-70. PAFSC: 2A533A - Communications/Navigations Systems Apprentice. DAS: 13 Feb 00.

b. Prior Sv: (1) AFRes 12 Mar 99 - 13 Jul 99 (4 Months 2 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 14 Jul 99 for 6 yrs. Svd: 3 Yrs 6 Mos 23 Das, all AMS.

b. Grade Status: SRA - 27 Dec 01
 A1C - 27 Aug 99

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 10 JAN 03 - Admitted drug use.
 LOR, 04 NOV 02 - Unshaven, needing a haircut, and unprofessional conduct.
 LOR, 06 AUG 02 - Dereliction of duty.
 RIC, 06 DEC 01 - Dereliction of duty.
 RIC, 01 NOV 00 - Uniform severely wrinkled and soiled.
 LOC, 08 SEP 00 - Late for class, poor attitude, interrupting and making wisecracks in class, and counseled on needing haircut, shaving, and various other dress and appearance violations.
 LOC, 27 JUN 00 - Unacceptable maintenance of government quarters.

f. CM: None.

g. Record of SV: 14 Jul 99 - 15 Jan 01 Barksdale AFB 4 (Dir by HAF)
 16 Jan 01 - 15 Jan 02 Barksdale AFB 4 (Annual)

(Discharged from Barksdale AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA W/1 OLC.

i. Stmt of Sv: TMS: (3) Yrs (10) Mos (25) Das
TAMS: (3) Yrs (6) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Oct 03.
(Change Discharge to Honorable)

Issue 1: My undesirable discharge was improper for me to recieve (sic), because I came in to admit that I did wrong and my first sergeant thought that I was lying.

Issue 2: My undesirable discharge was improper, because I admitted to the fact that I did use an illegal substace, but when doing my discharge paperwork they put all my other infractions in along with it, it being my self-identification of substance use.

ATCH

1. Applicant's Statement.
2. Reference Letter.

17 Nov 03/cr



FD2003-00488

DEPARTMENT OF THE AIR FORCE

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

17 Jan 03

MEMORANDUM FOR SRA [REDACTED]

FROM: 2 AMXS/CC

SUBJECT: Notification Memorandum

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, Chapter 5, Section H, Paragraph 5.54. If your discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reason for this action is as follows:

a. On or about 28 May 02, you voluntarily admitted to wrongful use of marijuana. For this incident, you received a letter of reprimand, dated 10 Jan 03.

b. On or about 27 Oct 02, you reported to your place of duty unshaven and with your hair not meeting regulations. For this incident, you received a letter of reprimand, dated 4 Nov 02.

c. On or about 5 Aug 02, you neglected to perform a toolbox inventory and allowed an aircraft to take flight with a pair of needle-nose pliers from your toolbox still in the cockpit. For this incident, you received a letter of reprimand, dated 6 Aug 02.

d. On or about 5 Dec 01, you failed to keep track of a headset belonging to your composite tool kit. As a result the headset was left on an aircraft for over 5 hours. For this incident, you received a letter of counseling, dated 6 Dec 01.

e. On or about 31 Oct 00, you reported to your place of duty with an unserviceable uniform. For this incident, you received a letter of counseling, dated 1 Nov 00

f. On or about 1 Sep 00, you failed to go at the time prescribed to your appointed place of duty. For this incident, you received a letter of counseling dated 8 Sep 00.

g. On or about 23 Jun 00, you failed to maintain your dorm room at acceptable standards. For this incident, you received a letter of counseling, dated 27 Jun 00.

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [REDACTED], Area Defense Counsel, Building 4714, third floor, phone number [REDACTED] at 1900 hours on pending 20 03. You may consult civilian counsel at your own expense.
21 Jan

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1700 hours on 23 Jan 2003 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to the 2d Medical Group, Physical Exam Section at 0945 hours on pending 24 Jan 2003 and an additional examination will be scheduled if necessary.

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

[REDACTED]
[REDACTED], Lt Col, USAF
Commander, 2d Aircraft Maintenance

Squadron

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum