

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE AMN	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	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 A94.53	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
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE

HEARING DATE 16 Mar 2004	CASE NUMBER FD-2003-00535	
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APPLICANT'S SUSINE AND THE BOARD'S DECISIONAL RATIONALE AND PERSONAL REVISIONS

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.

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00535

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 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. Applicant was discharged for drug abuse and minor disciplinary infractions. The records indicated the applicant received an Article 15, eight Letters of Reprimand, three Letters of Counseling, had an Unfavorable Information File, and was placed on the Control Roster for his misconduct. His infractions included failing to go seven times, disobeying orders four times, sleeping on duty, driving a government vehicle without a license, underage drinking, disrespect to a superior, and using marijuana. Member also had an Enlisted Performance Report rated an overall referral "2" noting his lapses in judgment and stating he was no longer fit to serve. At the time of the discharge member consulted counsel and waived his right to submit statements in his own behalf. The DRB opined that through the unit's many administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded his misconduct was a significant departure from conduct expected of all military members. 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 characterization of the discharge received by the applicant was found to be appropriate.

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 SRA)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 May 03 UP AFI 36-3208, para 5.54 & 5.49 (Misconduct - Drug Abuse and Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Jan 81. Enlmt Age: 18 2/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-51, E-19, G-39, M-23. PAFSC: 3P031 - Security Forces Apprentice. DAS: 15 Dec 99.

b. Prior Sv: (1) AFRes 16 Mar 99 - 27 Jul 99 (4 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Jul 99 for 4 yrs. Svd: 3 Yrs 9 Mo 26 Das, all AMS.

b. Grade Status: Amn - 24 Apr 03 (Article 15, 24 Apr 03)
 SrA - 28 Jul 02
 AlC - 28 Nov 00
 Amn - 28 Jan 00

c. Time Lost: None.

d. Art 15's: (1) 24 Apr 03, Robins AFB, GA - Article 112a. You did, in the continental United States, between on or about 26 Mar 03, and on or about 2 Apr 03, wrongfully use marijuana, a Schedule 1 controlled substance. Article 86. You did, on or about 16 Apr 03, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: (Examiner's Note: The following infractions were extracted from the Notification Memorandum. Actual paper is missing from the file).

LOR, 10 APR 03 - Failure to go.

LOC, 12 FEB 03 - Disobeying a direct order and late for work.

LOR, 18 FEB 03 - Failure to go.

AF FORM 1168, 9 FEB 03 - Disobeying a direct order and late for work.

LOC, UNDATED - Late for work.

LOR, 31 JUL 01 - Disrespect to a superior.

LOR, 30 MAY 01 - Underage drinking.
 LOR, 23 APR 01 - Failure to follow proper procedures.
 LOR, 29 MAR 01 - Disobeying a direct order and sleeping on duty.
 LOC, 29 MAR 01 - Disobeying a direct order.
 LOR, UNDATED - Failure to go.
 LOR, 21 APR 00 - Driving a Government Vehicle without a valid state driver's license.

f. CM: None.

g. Record of SV: 28 Jul 99 - 27 Mar 01 Robins AFB 5 (Initial)
 28 Mar 01 - 27 Mar 02 Robins AFB 3 (Annual)

(Discharged from Robins AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (4) Yrs (2) Mos (8) Das
 TAMS: (3) Yrs (9) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 Jan 03.
 (Change Discharge to Honorable)

Issue 1: I am requesting an upgrade because I made a terrible mistake of utilizing marijuana as a stress reliever. I was penalized by being discharge (sic) from the Air Force hence ending my career. I am deeply sorry for my actions and sence (sic) been through a drug rehabilitation program and no longer do I utilize any drugs. Once again I am deeply sorry for the shame I placed on myself as well as my squadron.

ATCH
 None.

28JAN04/ia



FD 2003-00 500

DEPARTMENT OF THE AIR FORCE
78th SECURITY FORCES SQUADRON (AFMC)
ROBINS AIR FORCE BASE, GEORGIA

13 MAY 2003

MEMORANDUM FOR Airman [REDACTED]

FROM: 78 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Drug Abuse and Minor Disciplinary Infractions. The authority for this action is AFI 36-3208, paragraphs 5.54 and 5.49. If my recommendation is approved, your service will be characterized as Honorable, General or Under Other Than Honorable Conditions (UOTHC). I am recommending your service be characterized as General.

2. My reasons for this action are:
 - a. On 16 Apr 00, you drove a Government Owned Vehicle (GOV) without a valid state driver's license which is a violation of AFI 31-204, paragraphs 2.0-2.1.1.4. For this action you received a Letter of Counseling (LOC) dated 21 Apr 00.

 - b. On 17 Jan 01, you failed to go to Commander's Call. For this action, you received a Letter of Reprimand (LOR) undated.

 - c. On 27 Mar 01, you disobeyed a direct order given by a superior. For this action, you received an LOC dated 29 Mar 01.

 - d. On 28 Mar 01, you disobeyed a direct order given by a superior and were found later sleeping on duty. For these actions, you received an LOR dated 29 Mar 01.

 - e. On 22 Apr 01, you failed to follow proper procedure when leaving your post for the day. For this action, you received an LOR dated 23 Apr 01.

 - f. On or about 30 May 01, you consumed alcohol while being under the legal drinking age. For this action, you received an LOR dated 30 May 01.

 - g. On 21 Jul 01, you were disrespectful to a superior. For this action, you received an LOR dated 31 Jul 01.

 - h. On 4 Nov 02, you failed to report to your duty station at the appointed time. For this action, you received an LOC undated.

i. On 8 Feb 03, you failed to report to your duty station. For this action, you received an LOR dated 18 Feb 03 and an Unfavorable Information File (UIF) was established.

j. On 9 Feb 03, you failed to report to your duty station at the appointed time and disobeyed a direct order give by a superior. For this action, an AF Form 1168 dated 9 Feb 03 was completed and placed in your files.

k. On 11-12 Feb 03, you disobeyed a direct order, failed to meet uniform standards and failed to report to your duty station at the appointed time. For these actions, you received an LOC dated 12 Feb 03.

l. On 8 Apr 03, you failed to report for a mandatory training session with your supervisor. For this action, you received an LOR dated 10 Apr 03.

m. Between 26 Mar 03 and 2 Apr 03, you wrongfully used marijuana. For this action, you received an Article 15 action dated 24 Apr 03, reduction in grade from Senior Airman to Airman, 30 days of restriction to Robins AFB GA and 30 days extra duty.

n. On 16 Apr 03, you failed to report to your duty station. For this action, you received an Article 15 action dated 24 Apr 03, reduction in grade from Senior Airman to Airman, 30 days of restriction to Robins AFB GA and 30 days extra duty.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction will ultimately 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.

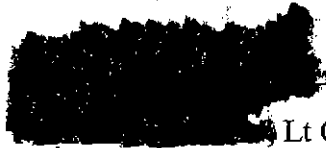
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult with Area Defense Counsel, 926-5852, at 1530 hours on 13 May 03. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me **within 3 workdays** of notification unless you request and receive an extension for good cause. 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 submit statements on your behalf.

6. You have been scheduled for a medical examination. You must report to Family Practice located in Building 700A at **0900 hours on 14 May 03**. You must be in uniform and on time in order to keep the scheduled appointment.

7. You have an appointment for an initial briefing at separations with Ms Kiper, Bldg 905, 327-7348, at **0900 hours on 15 May 03**. Please bring an escort for your assistance.

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 at the Area Defense Counsel's Office.



Lt Colonel, USAF

Commander

Attachments:

1. Supporting Documents
 - a. LOC, 21 Apr 00
 - b. LOR, undated
 - c. LOC, 29 Mar 01
 - d. LOR, 29 Mar 01
 - e. LOR, 23 Apr 01
 - f. LOR, 30 May 01
 - g. LOR, 31 Jul 01
 - h. LOC, undated
 - i. LOR, 18 Feb 03
 - j. AF Form 1058, 18 Feb 03
 - k. AF Form 1168, 9 Feb 03
 - l. LOC, 12 Feb 03
 - m. LOR, 10 Apr 03
 - n. AF Form 3070, 24 Apr 03
2. Airman's Receipt of Notification Memorandum