

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>				GRADE <b>AB</b>		AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px;"></div>	
TYPE GEN		PERSONAL APPEARANCE				<b>X</b> RECORD REVIEW	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES No							
		<b>X</b>					
MEMBER SITTING						VOTE OF THE BOARD	
						HON	GEN
						UOTHC	OTHER
							DENY
							<b>X</b>
							<b>X</b>
							<b>X</b>
							<b>X</b>
							<b>X</b>
ISSUES <b>A66.00</b>		INDEX NUMBER <b>A94.05</b>		EXHIBITS SUBMITTED TO THE BOARD			
				<b>1</b> ORDER APPOINTING THE BOARD			
				<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE			
				<b>3</b> LETTER OF NOTIFICATION			
				<b>4</b> 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 <b>15 Mar 2004</b>		CASE NUMBER <b>FD-2003-00550</b>					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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							
<i>2004-01</i>							
INDORSEMENT							
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

**FD-2003-00550**

**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.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received one Special Court Martial conviction, two Article 15s, two Letters of Reprimand, and one Letter of Counseling for misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. 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

[REDACTED]  
[REDACTED]  
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 19 Feb 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 5 Feb 81. Enlmt Age: 17 11/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-50, E-54, G-57, M-63. PAFSC: 3P031 - Security Forces Apprentice. DAS: 8 Jun 00.

b. Prior Sv: (1) AFRes 23 Jan 99 - 4 Jan 00 (11 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 5 Jan 00 for 4 yrs. Svd: 2 Yrs 1 Mo 14 Das, of which AMS is 1 yr 10 months 3 days (excludes 3 months 12 days lost time)

b. Grade Status: AB - 16 Oct 01 (Article 15, 16 Oct 01)  
Amn - 18 Apr 01 (Article 15, 18 Apr 01)

c. Time Lost: 26 Oct 01 through 5 Feb 02 (3 months 12 days)

d. Art 15's: (1) 16 Oct 01, Hill AFB, UT - Article 134. You did, on or about 15 Sep 01, unlawfully possess and consume alcoholic beverages while under the age of 21 years, in violation of Utah Code Section 32A-12-209 as assimilated by 18 United States Code Section 13. Reduction to AB. (Appeal/Denied) (No mitigation)

(2) 18 Apr 01, Hill AFB, UT - Article 134. You, having received a lawful command from Maj [REDACTED] your superior commissioned officer, then known by you to be your superior commissioned officer, to have no contact with A1C [REDACTED] did, on or about 20 Mar 01, willfully disobey the same. Reduction to Airman, and 45 days restriction (30 days suspended). (No appeal) (No mitigation)

e. Additional: LOR, 02 NOV 01 - Failure to go and underage drinking.  
LOC, 06 MAR 01 - Late to work.  
LOR, 14 DEC 00 - Dereliction of duty, insubordinate conduct, and disrespect to an NCO.

f. CM: Special Court Martial Order No.2 - 26 Oct 01

CHARGE: Article 112a. Plea: Guilty. Findings: Guilty.

Specification: In that Airman [REDACTED], US Air Force, 75<sup>th</sup> SFS, Hill AFB, Utah, did, at or near Salt Lake City, Utah, on or about 24 Feb 01 wrongfully use methylenedioxymethamphetamine (Ecstasy), a Schedule I controlled substance. Sentence adjudged on 26 Oct 01: Confinement for four months, forfeiture of \$500.00 pay per month for four months (sentence remitted upon his discharge from the service, Reference: Special Court Martial Order No.5, 11 Feb 02).

g. Record of SV: 5 Jan 00 - 4 Sep 01 Hill AFB 2 (Initial)REF

(Discharged from Hill AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (16) Das  
TAMS: (1) Yrs (10) Mos (3) Das

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

Issue 1: This application is being presented for consideration by the board because I am requesting that my discharge be upgraded to an honorable discharge. I feel that my discharge is inequitable because it (sic) mostly based on one incident that that (sic) occurred (sic) during my approximate 27 months of service. Since my discharge I have enrolled in the Citizens Police Academy and become an outstanding contribution to my township & community. I feel in some ways though that my General under honorable discharge is hindering all that I can do, and be a part of in my community. I thank you for your time & consideration in this matter.

**ATCH**

1. Character References (15).

6JAN03/ia



DEPARTMENT OF THE AIR FORCE  
75th SECURITY FORCES SQUADRON (AFMC)  
HILL AIR FORCE BASE, UTAH

22 Jan 02

MEMORANDUM FOR AB [REDACTED]

FROM: 75 SFS/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 honorable or general. I am recommending your service be characterized as general.

2. My reason for this action is:

On or about 24 Feb 01, you wrongfully used methylenedioxymethamphetamine (Ecstasy), a Schedule I controlled substance. For this act of misconduct, you were tried by Special Court-Martial and was sentenced to confinement for four months and forfeiture of \$500.00 pay per month for four months. (Atch 1a)

3. Other derogatory data:

a. On or about 11 Dec 00, you were derelict in the performance of your duties by laying your head on the desk performing sentry duties, exhibiting insubordinate conduct in your actions and words towards an NCO, giving an inappropriate gesture toward an NCO, and making a gesture of charging your weapon while on duty. For these acts of misconduct, you received a Letter of Reprimand (LOR), dated 14 Dec 00 and an Unfavorable Information File was established on 15 Dec 00. (Atch 1b)

b. On or about 5 Mar 01, you were 34 minutes late returning for duty after lunch. For this act of misconduct, you received a Letter of Counseling (LOC), dated 6 Mar 01. (Atch 1c)

c. On or about 20 Mar 01, you violated my order to have no contact with A1C [REDACTED]. For this act of misconduct, you received Nonjudicial Punishment which resulted in your reduction to the grade of airman and restriction to Hill AFB for 45 days, of which 30 days was suspended. (Atch 1d)

d. On or about 15 Sep 01, you wrongfully consumed alcoholic beverages while under the age of 21 years. For this act of misconduct, you received Nonjudicial Punishment which resulted in your reduction to the grade of Airman Basic. This punishment was placed in your existing UIF. (Atch 1e)

e. On or about 18 Oct 01, you failed to report for duty at the appointed time. You were later stopped as you entered the base with a strong odor of alcohol on your breath. Subsequent testing verified your breath alcohol level to be .019%. You were under the legal age for alcohol consumption at that time. For these acts of misconduct, you received an LOR on or about 2 Nov 01. This punishment was placed in your existing UIF. (Atch 1f)

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will determine 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.

5. 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 the Area Defense Counsel, Captain [REDACTED] at building 1205 on 24 Jan 02 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 25 Jan 02, 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. You are required to attend a separation medical examination. You must contact the physical exam section of the base clinic at 777-7934 to schedule an appointment.

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.

[REDACTED]  
Commander

Attachments:

- 1a. AF Form 1359, dtd 26 Oct 01
- 1b. LOR, dtd 14 Dec 00; AF Form 1058
- 1c. LOC, dtd 6 Mar 01
- 1d. AF Form 3070, dtd 18 Apr 01
- 1e. AF Form 3070, dtd 16 Oct 01
- 1f. LOR, dtd 2 Nov 01
- 2. Airman's Receipt of Notification Letter