

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b> ██████████	<b>AFSN/SSAN</b> ██████████
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<b>TYPE</b>	<input checked="" type="checkbox"/> <b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
<b>NAME OF COUNSEL AND OR ORGANIZATION</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>	
	<input checked="" type="checkbox"/>	

<b>MEMBER SITTING</b>	<b>MEMBER SITTING</b>				
	HON	GEN	UOTHC	OTHER	DENY
					<input checked="" type="checkbox"/>
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					<input checked="" type="checkbox"/>
					<input checked="" type="checkbox"/>

<b>ISSUES</b> A92.21, A94.05	<b>INDEX NUMBER</b> A68.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<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	
<b>HEARING DATE</b> 22 Oct 2003	<b>CASE NUMBER</b> FD97-00459-A		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

Case heard at the Air Reserve Personnel Center, Denver, CO

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

<b>ENDORSEMENT</b>		<b>DATE</b> 10/22/2003
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b>	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

FD97-00459-A

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant appeared before the Board without counsel at the Air Reserve Personnel Center, Denver, Colorado, on 22 Oct 03. The following additional exhibits were submitted at the hearing:

Exhibit 5: Applicant's contentions.

Exhibit 6: Character Letter from [REDACTED] dated 18 Oct 03

Exhibit 7: 1<sup>st</sup> United Methodist Church Employment Contract

Exhibit 8: Cheyenne Symphony Orchestra Letter

Exhibit 9: Laramie County Community College Memorandum, dated 10 Jan 97

Exhibit 10: Thank You Letter from Cheyenne Parks and Recreation, dated 15 Jul 02

Exhibit 11: Character Letter from [REDACTED], dated 22 Sep 03

Exhibit 12: 1<sup>st</sup> United Methodist Church Letter, dated 6 Jan 98

Exhibit 13: Character Letter from [REDACTED], dated 1 Oct 03

Exhibit 14: Character Letter from TSgt (Ret); [REDACTED]

Exhibit 15: Wyoming Tribune-Eagle Weekly Entertainment Guide Featuring Mr. [REDACTED] 18 Jul 03

Exhibit 16: Western Trial Advocacy Letter, dated 18 May 98

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 the evidence provided by the applicant does not warrant a grant of clemency in this case.

**ISSUES:**

Applicant contends his discharge was too harsh and that his post service conduct warrants a grant of clemency and upgrade of his bad conduct discharge (BCD) to an honorable discharge. The records indicated that the applicant, then a staff sergeant, pled guilty at a special court-martial in November 1992 to one specification of the wrongful use of marijuana. He was found guilty and sentenced to a BCD, 15 days confinement and a reduction to senior airman (E-4). After his court-martial conviction and sentence were approved by the convening authority and upheld by the appellate courts, his BCD was executed in November 1993. Under affirmation before the Board, the applicant admitted to post-service drug use, including marijuana and "speed," on multiple occasions. The applicant stated in his request for upgrade that he "accepted full responsibility for his actions" surrounding the wrongful use of marijuana on active duty. Before the Board, however, he testified that he believes he was not at fault for his ingestion of THC, the metabolite in marijuana, because someone had "shot gunned" the marijuana smoke into his mouth while he was highly intoxicated. The Board concluded that this latest version of the facts does not support the assertion that the applicant had accepted full responsibility for his actions. Additionally, it conflicts with the applicant's knowing and willing plea of guilty to the wrongful use of marijuana at his court-martial.

**CONCLUSIONS:** The applicant received a BCD, a punitive discharge, as part of his sentence resulting from a special court-martial conviction. Under the provisions of Title 10 United States Code, Section 1553, the only basis for a change of a Bad Conduct discharge is clemency. The applicant presented evidence which the DRB opined did not warrant granting clemency.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

FD97-00459-A

[REDACTED]  
[REDACTED]  
(Former SRA) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a BCD Dish fr USAF 93/11/10  
UP SCMO#1 (Court Martial - Drug Abuse). Appeals for HON Disch.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 97/11/05.

b. The AFDRB reviewed case on 98/05/01 (non-appearance  
w/counsel) & concluded applicant's discharge should not be  
changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 99/04/20.  
(Change Discharge to Honorable)

ISSUES: Applicant's Letter to the DRB Attached.

Atch

1. Examiner's Brief.
2. Applicant's Letter to the DRB.
3. Business Advertisement.
4. Three Documents of Support.
5. Employment Contract.
6. Three Letters of Commendation.
7. Two Business Letters.
8. College Correspondence.
9. Business Promotional Documents.

99/06/02/ai

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

(Former SRA)

**1. MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF 93/11/10 UP 20AF SCMO#1 (Court Martial - Drug Abuse). Appeals for Honorable Disch.

**2. BACKGROUND:**

a. DOB: 55/02/16. Enlmt Age: 19 1/12. Disch Age: 38 8/12. Educ: HS DIPL. AFQT: n/a M-94, A-41, G-37, E-45. PAFSC: 2T151 - Vehicle Operations Management Specialist. DAS: (APR Indicates):87/11/05-88/11/04.

b. Prior Sv: (1) AFRes 74/03/22 - 74/06/16 (2 months 25 days) (Inactive)

(2) Enld as AB 74/06/17 for 4 years. Svd: 3 yrs 11 mos 16 days, all AMS. AMN-(APR Indicates):74/06/17-75/08/03. A1C-(APR Indicates):74/06/17-75/08/03. SRA (APR Indicates):76/11/17-77/11/16. APRs: 8,8,7,8,8.

(3) Reenld as Sgt 81/01/19 for 4 yrs. Ext 83/09/19 for 2 months. Ext on 84/01/05 for 17 months. Reenld as SSgt on 86/06/18 for 4 years. Svd: 9 yrs 4 months 2 days. SSgt-(APR Indicates): 86/01/12-87/01/11. Sgt - 90/01/05. APRs: 7,9,8,9,9,9,9,8,9.

ART15: 90/01/05, F.E. Warren AFB, WY - You did, o/a 31 Dec 89, at Third Street and the Railroad Tracks, operate a vehicle while drunk. Rdn to Sgt (susp til 90/06/05), forfeiture of \$125.00 per month for two months, and 10 days extra duty. (No appeal) (No mitigation).

ART15 VACC: 90/03/29, F.E. Warren AFB, WY - You, having knowledge of a lawful order issued by Colonel -----, to wit: Notice of Revocation of Driving Privileges letter, dated 2 Feb 90, an order which it was your duty to obey, did, at Francis E. Warren AFB, WY, o/a 17 Mar 90, fail to obey the same by wrongfully driving your vehicle on base. Rdn to Sgt. (No appeal) (No mitigation).

**3. SERVICE UNDER REVIEW:**

a. Enld as: Sgt 90/05/21 for (6) Yrs. Svd: 3 Yrs 5 Mo 20 Das, all AMS.

b. Grade Status: SRA - 93/01/06 (SPCMO NO.1, 93/01/06).  
SSGT - (APR Indicates):90/09/02-91/09/01.

c. Time Lost: 92/11/30-92/12/14

- d. Art 15's: none.
- e. CM: (1) Special Courts Martial Order No.1 - 93 Jan 06, Article 112a.  
 Plea: Guilty Finding: Guilty  
 Specification: Did, within the continental United States, between o/a 24 May 92 and o/a 23 Jun 92, wrongfully use marijuana. Sentence: adjudged on 30 Nov 92: Bad Conduct Discharge, confinement for 15 days, and reduction to the grade of Senior Airman.
- f. Record of SV: 89/09/02 90/09/01 F.E. Warren AFB 3 (Annual)  
 90/09/02 91/09/01 F.E. Warren AFB 4 (Annual)  
 91/09/02 92/03/31 F.E. Warren AFB 4 (CRO)  
 (Discharged from F.E. Warren AFB)
- g. Awards & Decs: AFOUA W/1 OLC, AFGCM W/3 OLC, NDSM, AFOSSTR, AFOSLTR, AFLSA W/3 OLC, NCOPMER, AFTR.
- h. Stmt of Sv: TMS: (17) Yrs (0) Mos (3) Das  
 TAMS: (16) Yrs (11) Mos (3) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 97/12/16  
 (Change Discharge to Honorable)

Issue 1: To upgrade Bad Conduct to Honorable Discharge w/16 years, 10 months of TAFMSD.

Issue 2: To retain pay grade of E-5, SSgt. W/TAFMSD of 16 yrs. 10 mo. & 24 days.

Issue 3: To be exonerated from erroneous payment of pay & allowances.

Issue 4: To be granted retirement @ highest held pay grade of E-5, SSGT. Veterans Admin. Usage & Vietnam Era G.I. Bill.

ATCHS

1. Memo for Record, 93/11/93.

97/11/05/ia

To: United States Air Force  
From: [REDACTED]  
Subject: Air Force Military Review Board  
SS: [REDACTED]

**SIR:**

I am [REDACTED] of Chey. Wyoming. My affiliation with the Air Force began as an A.F. dependent of Retired [REDACTED]. Our family has a long history in the A.F. and Army. At one time from the early 70's to the late 80's, four of my brothers served in the Armed Forces. There were times when any two of my brothers were on the same base. In 1974, at Lackland AFB, Tx., three of my brothers were assigned at one time. Now my daughter is considering enlisting in the Air Force after she graduates from high school. She will be the first female in our family to enlist. She will start a third generation of our family in the military.

As a young dependent, I spent several of my formative years at Itazuke AB, Japan. I was exposed to the world on an International level early in life. From the ages of 12 - 15, young G.I.'s were my mentors and best friends. In 1970, our family returned to Dover, AFB, De., for our family to retire.

**I graduated from Dover AFB H.S. which ranked third in the nation for academics. I became employed at the Officers club at Dover. Approximately a year later, I enlisted into the US Air Force. Since age five, my life has been governed under UCMJ.**

**After graduating aerospace school at Sheppard AFB, Texas, I arrived at Davis Monthan AFB, Tucson Az. and became one of the finest aircraft mechanics in my flight. I volunteered for a tour in Vietnam in 1974. This way of thinking came about during my adolescent years spent with young airmen while my father was stationed in Itazuke AB, Japan. I wanted to serve my country.**

**Nevertheless, a tour never came about. However, I did become a part of that history, as a crewchief on several of the F4-D Phantom fighter jets that flew sorties in Vietnam. My experiences during this period proved to be of tremendous value, with the overall development of my career and family life. Integrity, dedication, honesty, are just a few of the traits I possess and have implemented during my professional career. Some of the aircraft that I mastered were the A7-D Corsair, the A-10 Thunderbolt (Warthog), and the C-141 Starlifter.**

I excelled in my craft and became very mission oriented. I loved my job for several reasons. One of many reasons is that every day involved a different task. I learned something new and challenging daily. I was proud to be a part of the organization. Unfortunately, medical problems forced me to cross train to another career field and I became a recreation specialist. This in turn permitted me to become a more skilled human relations person. I learned to appreciate life and liberty on a high level, and my values and morals are still intact today.

My first enlistment in 1974 was fruitful, educational, highly technical, and above all else, very wholesome. My second and subsequent enlistment's were very rewarding also. I became a transportation specialist and earned the rank of Staff sergeant with high aspirations to become a Technical sergeant, (E-6).

While on leave and enroute to my children's destination, I began to plead with my ex-wife not to take these actions and to reconcile our differences. There was no chance, and I panicked. I turned to alcohol and became very intoxicated. At some point I apparently ingested a small amount of THC in a smoke filled room.



**My behavior changed as my drinking increased. I was on the road to self destruction. This eventually led to the break up of my family. My children meant the world to me and I adored them. I just could not deal with being separated from the family. They were very young and needed their father. Even though my marriage never worked out, to this very day, I am still an integral part of my children's life.**

**At any rate, I became very depressed and mentally exhausted. This was an isolated situation and has not happened again since. My whole career I had been around the substance on different occasions, such as concerts, parties, clubs, friends' houses, and military dorms. I have always refused to indulge and have been dead set against illicit drugs. As a result of my misconduct and poor judgment, I hurt many people. I am still paying a tremendous price for my mistake. If hind sight were foresight, I would have sought professional help for my alcohol problem.**

When the random urinalysis returned positive, I was distraught and in disbelief. I had no idea. When I was court martialed and charged with wrongful use of marijuana, which was never ingested deliberately, I spent several weeks during the holiday season incarcerated at F.E. Warren AFB until I was discharged from service.

I have become more involved with the local community, I attend church periodically, and to date, I teach music theory, lead, rhythm and bass guitar to more than 50 students per month. My curriculum is accredited at Laramie county community college in Cheyenne, Wyoming. My professional band has performed several engagements for Post 6 and 86 American Legions in our community.

I am very interested in completing my college education. I was very committed to the Air Force and our mission. As a transportation spec., I developed travel plans and dispatch functions for the Transportation control center, which was still in use after I transferred to another unit. I have always participated in the squadron functions, and a good team player.

**Sir, I made a terrible mistake in allowing myself to be placed in such a compromising position. I humbly apologize for any embarrassment I have caused the Air Force community and my family. I have accepted full responsibility for my actions. I have atoned and accepted Christ as my savior. I seek the opportunity to continue atonement and to better myself as a more productive individual in society. Thank you and God Bless.**

