

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE AMN		AFSN/SSAN ██████████			
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	UOTHC	OTHER	DENY
			X*				
			X*				
			X*				
			X*				
ISSUES A67.10		INDEX NUMBER A94.06		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 13 Feb 2004		CASE NUMBER FD-2003-00405					
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 and the right to submit an application to the AFBCMR							
* Secretarial Authority							
██████████							
INDORSEMENT			DATE: 02/13/2004				
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				

**GENERAL:** The applicant appeals for upgrade of discharge to 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 is approved. Change of reenlistment code is denied.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 and a Court Martial. However, the Court Martial findings of guilt and the sentence were set aside and dismissed. The commander elected to discharge the applicant anyway based upon a positive urinalysis. This constitutes an inequity.

**CONCLUSIONS:** The Discharge Review Board concludes that the discharge was not consistent with the procedural and substantive requirements of the discharge regulation. In view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief

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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 1 Feb 89 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 26 Dec 65. Enlmt Age: 18 1/12. Disch Age: 23 1/12. Educ: HS DIPL. AFQT: N/A. A-53, E-40, G-55, M-75. PAFSC: 55230 - Woodworking Specialist. DAS: 6 May 88.

b. Prior Sv: (1) Enld as PV1 ARNG 17 Jan 84. Svd: 1 Yr 6 Mos 12 Das, of which AMS is 3 Mos 18 Das.

3. **SERVICE UNDER REVIEW:**

a. Enld as AMN 29 Jul 85 for 4 yrs. Svd: 3 Yrs 6 Mos 5 Das, all AMS.

b. Grade Status: AMN - 10 Jun 87 (Article 15, 10 Jun 87)  
A1C - 29 May 86

c. Time Lost: None.

d. Art 15's: (1) 10 Jun 87, Edwards AFB, CA - Article 134. Preliminary investigation has disclosed that you, being indebted to [REDACTED] in the sum of approximately \$1,500.00 for charges made on her Texaco Credit Card No. 75-254-1565-4, which amount became due and payable on or about 19 Jul 86, did, from on or about 31 Mar 87 to the present date, dishonorably fail to pay said debt. Reduction to AMN, and 30 days correction custody. (Appeal/Denied) (No mitigation)

e. Additional: None.

f. CM: General Court Martial Order No. 6, 11 April 1988.

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

Specification: On or about 7 Jul 87, within the continental United States, wrongfully use cocaine. Sentence adjudged on 10 Dec 87. Bad Conduct Discharge, forfeiture of \$550.00 per month for 12 months, confinement for 12 months, and reduction to AB.

On 5 April 1989, General Court Martial Order No. 198, announced the findings of guilty and the sentence were set aside by the

United States Air Force Court of Military Review. A rehearing was authorized but found to be impracticable, as the accused was already discharged.

- g. Record of SV: 29 Jul 85 - 28 Jul 86 Edwards AFB 8 (Annual)  
 29 Jul 86 - 01 Mar 87 Edwards AFB 7 (CRO) REF  
 02 Mar 87 - 27 Sep 87 Edwards AFB 5 (Dir by Cmdr) REF

(Discharged from Lowry AFB)

h. Awards & Decs: SAEMR, AFTR.

- i. Stmt of Sv: TMS: (5) Yrs (0) Mos (16) Das  
 TAMS: (3) Yrs (9) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Aug 03.  
 (Change Discharge to Honorable)

Issue 1: My discharge was issued on 01 FEB 1989 for General Discharge. ACM 26760 dated 30 SEP 1988 was sent to JAG setting aside findings of guilt and the sentence attached Decision. General Court Martial Order Number 69, dated 28 NOV 1989, stated "All rights, privileges, and property of shich (sic) the accused has been deprived by virtue of the findings of guilty and the sentence so set aside will be restored."

Issue 2: I further request to have my re-enlistment (sic) code reflect such finding so that I may return to duty if I so desire. Please refer to supporting documentation attachments.

**ATCH**

1. DD Form 214.
2. AF/JAJM Ltr, 30 Sep 88.
3. General Court Martial Order.
4. DD Form 149
5. Applicant's Letter.
6. Reference Letters (5)

15 Sep 03/cr



DEPARTMENT OF THE AIR FORCE  
 HEADQUARTERS LOWRY TECHNICAL TRAINING CENTER (ATC)  
 LOWRY AIR FORCE BASE, CO 80230

REPLY TO  
 ATTN OF: 3320 CRS/CC

17 Jan 1989

SUBJECT: Letter of Notification

TO: Ann [REDACTED]

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions according to AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. You submitted a urine sample on or about 7 Jul 1987 which tested positive for cocaine.

b. You were at Edwards AFB, CA placed on the Control Roster for a period of 8 months, from 29 Jan 1987 to 28 Sep 1987, due to financial irresponsibilities. This was accomplished on AF Form 1058, dated 29 Jan 1987, and 3 Jun 1987.

c. You being indebted to [REDACTED] in the sum of approximately \$1500.00 for charges made on her Texaco Credit Card Number XX-XXX-XXXX-X, which amount became due and payable on or about 19 July 1986, did, at or near Edwards AFB, CA from on or about 31 March 1987 to the present date, dishonorably fail to pay all but \$100.00 of that debt, for which Art 15 punishment was imposed.

3. 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] at Bldg 349, on [REDACTED] at [REDACTED] hrs. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statement you wish the separation authority to consider must reach me by 20 JAN 89 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You received a medical examination on 14 Dec 1988.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the Disposition Section in Bldg 961, Lowry AFB CO.

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

  
, Lt Col, USAF  
commander

2 Atch

1. Supporting Documents for the Reason for Discharge
2. Airman's Acknowledgment