

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b> SRA	<b>AFSN/SSAN</b> ████████████████
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<b>TYPE UOTH</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>	
	<b>X</b>	

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A70.00	<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	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

<b>HEARING DATE</b> 13 Jan 2004	<b>CASE NUMBER</b> FD-2003-00406	
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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

<b>INDORSEMENT</b>		<b>DATE: 01/12/2004</b>
<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

**FD-2003-00406**

**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.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant was discharged in lieu of a Court Martial and received an Under Other Than Honorable Discharge for using cocaine. 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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 8 Aug 00 UP AFI 36-3208, Chapter 4 (Discharge in Lieu of Court Martial). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 8 Jul 77. Enlmt Age: 18 8/12. Disch Age: 23 1/12. Educ: HS DIPL. AFQT: N/A. A-87, E-98, G-92, M-96. PAFSC: 1T151 - Aircrew Life Support Journeyman. DAS: 8 Feb 97.

b. Prior Sv: (1) AFRes 2 Apr 96 - 13 Aug 96 (4 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 14 Aug 96 for 4 yrs. Svd: 3 Yrs 11 Mo 26 Das, all AMS.

b. Grade Status: SRA - 14 Dec 98

c. Time Lost: None.

d. Art 15's: None.

Additional: None.

f. CM: None.

g. Record of SV: 14 Aug 96 - 15 Jan 98 Eglin AFB 5 (HAF Dir)  
16 Jan 98 - 15 Jan 99 Eglin AFB 3 (Annual)  
16 Jan 99 - 15 Jan 00 Eglin AFB 4 (Annual)

(Discharged from Eglin AFB)

h. Awards & Decs: AFTR, AFEM, AFOUA W/1 DEV, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (4) Mos (7) Das  
TAMS: (3) Yrs (11) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 Aug 03.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Letter to the Discharge Review Board with 52 attachments.

16SEP03/ia

4 August 2003

[REDACTED]  
[REDACTED]  
Knoxville, TN 37916

To Members of the Air Force Discharge Review Board,

My name is [REDACTED] and I served in the US Air Force from 14 August 1996 until 7 August 2000. I am requesting a review of my discharge and I appreciate the Board's consideration of my request. Along with this letter, I am including a number of documents that should help paint a picture of who I am as a person and who I was as an airman. In submitting my request, I am approaching the application deadline of 3 years since I was discharged. In these 3 years, I have supported myself, and have taken many steps towards my future. This application is something I have been thinking about since my discharge, and I feel a great sense of accomplishment in providing it to the Board for review. I humbly and respectfully present to you, a glimpse into my life.

Since grade school, I have wanted to be an astronaut, and I have always been interested in aviation. As a child I frequently flew aboard passenger aircraft and was also introduced to general aviation aircraft through my father, who is a private pilot. My interest in aviation continued to grow throughout the years, and my freshman year in high school I joined my local Civil Air Patrol squadron. In pursuing my goal of working for NASA as an astronaut, I looked to the Air Force as a means of achieving this goal. I first tried to do this through the AFROTC program, but my high school academics were not up to par for an ROTC scholarship. Since I earned the Gen. [REDACTED] Award from the Civil Air Patrol and could enter the Air Force as an E-3, I decided to enlist in the US Air Force. My late grandfather and my father, both, are Air Force veterans.

My overall experience in the Air Force was an exciting, but rough and winding road. As I neared my 2-year mark, I was hopeful of entering the Air National Guard or Air Force Reserve through the "Palace Chase" program. Having met a foreign girl in June of 1997, I was eager to earn a college degree so that she and I would have a greater opportunity to be together. While I was deployed to Bahrain in November of 1997, a co-worker of mine began his application for Palace Chase, however our squadron commander denied his application. The reasons for the denial were due to squadron and Air Force manning issues present during this time. Because of this, neither he nor I were allowed the opportunity to pursue the Palace Chase program.

In the early months of 2000, I was preparing to move to England, in order to be with the aforementioned girl. As I began my outprocessing, I continued to contribute to my Life Support shop as well as my squadron. I had approximately 35 days of accrued leave that I was planning on using as "terminal leave." This was to put my last workday sometime

around my birthday, which is the 8<sup>th</sup> of July. My separation progress was somewhat parallel to that of my co-worker who I previously mentioned as having applied for Palace Chase. Everything he had done a month prior, I was doing, so I had guidance from him as to what to expect from outprocessing briefings and the like. Having said this, I was also aware of the fact that I would be due for a urinalysis.

I began the day of 5 June 2000 just like any other, and started with my work routine. When my NCOIC returned from an errand, he informed me that the Orderly Room had called for me and asked that I return their call. When I called, they asked that I report to the facility that collects samples for urinalysis, so I picked up the necessary paperwork, and made my way to this facility. I have a lot of experience with scheduled and random urinalysis testing, as this was done a great deal while I played high school athletics, as well as a couple times since I had entered the Air Force. When I arrived at the urinalysis center, I recall a gentleman in civilian clothes taking a plastic container from a box containing other empty containers. He removed the lid, turned it upside down and tapped the bottom (outside) of it, then handed it to me, and pointed me towards the restroom. I proceeded with the test and reported back to work. It was about a week after the urinalysis that my NCOIC asked me to accompany him to see my First Sergeant, who then drove me to the AFOSI office. It is here that I learned that the urinalysis came back with a positive result. Having never been in any trouble with the law before, I was eager to speak with an attorney to figure out exactly what was happening. After going through the necessary processes and speaking with the Area Defense Counsel (ADC), I was released back to work. Subsequent meetings with the ADC helped me to understand the situation better. A second Defense Counsel was called in to assist in trying my case, and in cases like mine-or worse-he had a perfect winning record. Over the next few weeks, I learned that the amount of drug found in my sample would not have even resulted in me feeling or noticing its presence. I also learned that the majority of US currency has traces of this drug on it, however, this in itself should not result in anyone receiving a positive urinalysis result. Something else I learned is that approximately 2 months before my urinalysis, the Eglin Security Forces issued a statement in Eglin's base newspaper, "The Eglin Eagle," warning airmen of the possibility of people slipping drugs into drinks while at local establishments. Despite all of these facts, I still did not know just how I received a positive urinalysis result.

I previously mentioned the manner in which the civilian-clothed man went about handing me the sample container. The reason I remember this, is that it differed from other urinalyses I have taken over time, none of which have ever come back with any positive result. During the high school tests, the sample bottles came in a sealed bag, which I would tear open, remove the container, and then proceed with opening the sample container. Also, hand washing was required before these tests. To this day, I don't discount the possibility that lax procedures may have contributed, or may have been the sole reason for the positive result I received. This is not to say that I think the civilian-clothed man sabotaged my sample, but that these methods present the possibility of contamination.

While learning as much as I could about the manner and methods that the Brooks Lab uses in testing samples, I am convinced that there indeed was an amount of drug present in my sample. The stringent procedures taken, and the care in which they take to avoid false positives is what I would expect from a government lab. What I found to be ironic was the painstaking manner in which Brooks treats the sample, as compared to the careless manner in which the Eglin testing facility handles the initial collection of the samples. This raises a flag with me, due to the fact that even my high school athletic program uses what I consider to be a doubt-free manner of testing.

In discussing the facts with my Defense Counsel, I was told that the nanogram level present in my sample was very low, and that someone who used this drug would have a much higher level. The nanogram level present in my sample was 269 whereas most positive results are in the 1,000 to 2,000 nanogram range. In the three years since I have been out of the Air Force, I have also learned that most laboratories, including those that do the testing for the Department of Transportation, have a minimum cutoff level of 300 nanograms, A few laboratories have a more specific test that get as low as 150 nanograms, and from what I understand, the Brooks lab can test as low as 100 nanograms.

I cannot dispute the fact that there was an amount of this drug present in my sample. To this day, I still am not certain as to how there ended up being any amount of drug in this sample. I know that I did not use or take any drugs, and during the AFOSI and the prosecution's investigation, they came up with no other evidence or statements against me. I cannot even begin to explain how much of a shock this entire situation was to me. At first, I wished it was all a joke being played prior to my separation, but it was apparent that this was all too serious and too complex to be a joke. I continued working in my shop with the same quality of work I had always had. So much was on my mind at this time, that I hardly knew what to do. I was told that if this went to trial, that it would be up to a jury to decide whether or not I was guilty. The positive urinalysis did not give me confidence that a jury would see me as innocent and allow me to leave with an Honorable discharge. The potential consequences of a guilty charge ranged from a General discharge to a Bad Conduct discharge, and a Bad Conduct discharge could result in me facing up to 6 months jail time, receiving a federal drug charge, losing my right to travel abroad, or even losing my right to vote.

When I considered all that I had to lose with a guilty charge, I realized that this could prevent me from moving to England to be with the girl I love. This was in addition to the possibility of losing my GI Bill, VA benefits, my right to vote, and the opportunity to receive financial aid. I put all of my confidence in my Defense Counsel and hoped for the best. The day before the hearing, the prosecution offered me a UOTHC discharge in lieu of having the case tried. The Defense Counsel said this was due to the fact that they didn't have a strong case against me. An UOTHC discharge would still result in the loss of my GI Bill and VA benefits, but I would still be eligible to travel abroad, vote, and receive financial aid for school. Because of the risk involved and the fact that the urinalysis results were indisputable, I decided to accept their offer for the UOTHC discharge. I would never forgive myself if I lost my right to be with my girl simply

because I wanted money for college, benefits, and the privilege of receiving an Honorable discharge for my service. I accepted this offer 7 August 2000, and shortly thereafter, I finished the remaining outprocessing and received my DD214. I would like to note that the DD214 does indicate that I completed my first full term of service.

Since this time, I have continued to progress in life and live in a self-respectable manner. Putting myself through school is difficult, but it is no different than what many other students are doing. My parents express pride in my accomplishments and support for my shortcomings. I stay out of trouble and try to be a good student, employee, neighbor, and citizen. After the Air Force, I moved to England for just under a month, but the situation ended up being more difficult that I could deal with. I am still in touch with the girl I love, and upon securing a career and the means of supporting myself abroad, I plan to give it another shot (if she doesn't come to the US, first). I am still continuing with my hobbies, the greatest of them being music. I write songs, mostly inspired by the distance between her and myself. I'm currently working with 18 songs I have written and soon hope to have an album recorded. I also plan to start taking flying lessons again, as I already have a few hours logged in Cessna aircraft. I have not yet soloed, so I still have a ways to go before earning my license.

As a student at the University of Tennessee, I am majoring in Geological Sciences, and upon completion of my degree, I hope to work with the University's Planetary Sciences division. Here I could end up working with NASA on projects involving Mars, the moon, and nearby asteroids.

I currently work as a delivery driver for Domino's Pizza, and have done so for the better part of two-and-a-half years. I also work as a student assistant in the school's computer labs, and have been employed by UT for about 10 months, now. Upon first arriving in Knoxville, I worked for a local oceanic and tropical fish store, and did this for close to a year. In the near future, I hope to work for either the University's football team as an equipment manager (similar to the Life Support job I held in the Air Force), or possibly get a job at one of the local airports (as I did in high school). They both have my resume, and I check back with them from time to time.

I have been living in the same residence, now, for over a year-and-a-half, and will likely remain here until I finish school, due it's close proximity to both campus and work. As I said before, I try and be respectful of my neighbors, especially in regards to practicing the music I play. I also try to maintain my financial responsibility by paying bills on time. I checked my credit report at the end of June, and had a FICO score of 592, which should greatly improve after an error gets corrected. This error was supposed to be corrected by the creditor, but this didn't happen, so my report showed that I had an unpaid debt from 2001.

I would like to take a moment to thank you for your time and consideration with my request for a discharge upgrade. I ask you to look through the packet of materials I sent so that you might get a better idea of who I am. In this packet, I included many things that I feel back up some of the things I have said. I also included some letters of



reference, of character, and some for employment, all of which are written by people who know me.

I would very much like to look back on my time in the Air Force with a sense of pride and accomplishment. I would also be honored to have a discharge under honorable conditions that I could hang on my wall of achievements.

Respectfully,

A large, irregular black redaction mark covers the signature area, completely obscuring the name and any handwritten notes.