

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]			GRADE AB		AFSN/SSAN [REDACTED]			
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
								X
ISSUES A94.01		INDEX NUMBER A67.70		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 15 Jan 2004		CASE NUMBER FD-2003-00422						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE								
<p>Case heard at Washington, D.C.</p> <p>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</p>								
INDORSEMENT						DATE: 01/14/2004		
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				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00422

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 does not contest his discharge. He states that he made a huge mistake and would like to get an upgrade so that he may enter into another branch of the military. The records indicated the applicant received an Article 15 for wrongfully using marijuana. In addition, he received a Letter of Reprimand for being late for duty and for financial irresponsibility. 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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 28 Aug 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 11 Jul 82. Enlmt Age: 18 0/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-51, E-36, G-52, M-32. PAFSC: 3A031 - Information Management Apprentice. DAS: 12 Jan 01.

b. Prior Sv: (1) AFRes 3 Aug 00 - 28 Aug 00 (26 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 29 Aug 00 for 4 yrs. Svd: 2 Yrs 0 Mo 0 Das, all AMS.

b. Grade Status: AB - 14 Mar 02 (Article 15, 14 Mar 02)
AMN - 28 Feb 01

c. Time Lost: None

d. Art 15's: (1) 14 Mar 02, Peterson AFB, CO - Article 112a. You did, on divers occasions between on or about 13 Jul 01 and on or about 30 Aug 01, wrongfully use marijuana, a Schedule 1 controlled substance. Reduction to AB, forfeiture of \$552.00 pay per month for two months, 30 days restriction, and 30 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 1 Nov 01 - Late for duty and financial irresponsibility.

f. CM: None.

g. Record of SV: None.

(Discharged from Peterson AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (0) Mos (26) Das
TAMS: (2) Yrs (0) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Aug 03.
(Change Discharge to Honorable)

Issue 1: I served my country in the United States Air Force to the best of my ability. I made a mistake and I'm punished by not being able to serve in the USAF. I would simply request I'm upgraded to an honorable in hopes to serve my country in another branch of service. I have been punished for a year plus. I would simply like to serve my country after learning from my HUGE mistake.

ATCH
None.

29 Sep 03/cr



29 May 2002

MEMORANDUM FOR AB [REDACTED] 21 CS

FROM: 21 CS/CC

SUBJECT: Notification Memorandum - Board Hearing

1. Recommendation: I am recommending your discharge from the United States Air Force for Drug Abuse, (Use of marijuana on diverse occasions). The authority for my recommendation is AFI 36-3208, *Administrative Separation of Airmen*, para 5.54, 10 Mar 00. If my recommendation is approved, your service will be characterized as either Honorable, Under Honorable Conditions (General), or an Under Other Than Honorable Conditions (UOTHC). I am recommending that your service be characterized as UOTHC.

2. Reasons for the Recommendation: On diverse occasions, within the State of Colorado, between on or about 13 July 01 and on or about 30 Aug 01, you wrongfully used marijuana. For this misconduct, you were given an Article 15, dated 14 Mar 02 with the reduction to the grade of E-1 (Airman Basic), forfeiture of \$552.00 pay per month for two months, restriction to the limits of Peterson AFB, CO for 30 days, and 30 days extra duty. (Atch 1).

3. Additional Derogatory Data:

a. On or about 5 Apr 02, you were restricted to the limits of Peterson AFB as part the Article 15 received on 14 Mar 02. However, you were seen driving outside of Peterson AFB in violation of this punishment. You were not punished for this misconduct because the punishment may have delayed this discharge action.

b. On or about 18 and 19 Oct 01, you were late for duty after you were counseled several times on prior occasions when the unit was unable to locate you. For this misconduct, you received a Letter of Reprimand on 1 Nov 01.

4. Separation Authority: Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the Air Force and if discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

5. Legal Rights: You have the right to:

a. Consult legal counsel.

- b. Present your case to an administrative discharge board.
- c. Be presented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights.

You must consult legal counsel before making a decision to waive any of your rights.

6. Submission of Statements: Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who will also sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements on your own behalf. 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 the board hearing. Further, if you request a board and fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing. Therefore, you must notify me by 0940 (hours), 7 Jun 2002 (dated), specifying the rights you choose to exercise.

7. Waiver: 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. Medical Exam: You have been scheduled for a medical examination. You must report to the Peterson Air Force Base Clinic, at 08:10 hours on 31 May, 2002 for the examination.

9. Privacy Act: The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208, is available for your use at the orderly room.

10. Acknowledgement: Execute the attached acknowledgment and return it to me immediately.


Lt Col, USAF
Comman

Attachments:

1. Article 15, dated 14 Mar 02, w/ Atchs
2. Letter of Evaluation, dated 4 Apr 02
3. Letter of Reprimand, dated 1 Nov 01
4. Airman's Receipt of Notification Memorandum