

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b> AB	<b>AFSN/SSAN</b> ██████████
--	--------------------	--------------------------------

<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>								
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">COUNSEL</th> <th rowspan="3" style="width:50%;">NAME OF COUNSEL AND OR ORGANIZATION</th> <th rowspan="3" style="width:50%;">ADDRESS AND OR ORGANIZATION OF COUNSEL</th> </tr> <tr> <td style="width:5%;">YES</td> <td style="width:5%;">No</td> </tr> <tr> <td></td> <td align="center"><b>X</b></td> </tr> </table>		COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	No		<b>X</b>		
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>

<b>ISSUES</b> A93.23 A92.35 A92.37	<b>INDEX NUMBER</b> A66.00	<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> 06 Jan 2004	<b>CASE NUMBER</b> FD-2003-00460	
------------------------------------	-------------------------------------	--

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE AS APPEARED ON THE AIR FORCE DISCHARGE REVIEW BOARD DECISION 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>		DATE: 10/2004
<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

FD2003-00460

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

The applicant was offered a personal appearance before the Discharge Review Board 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 impropriety or inequity that would justify an upgrade of the discharge to honorable.

**Issues.** Applicant was discharged for misconduct, namely drug abuse (marijuana), for which member received an Article 15. Member submitted to a random urinalysis that was found to contain tetrahydrocannabinol (THC), the metabolite of marijuana, in excess of the DoD cut-off of 15 ng/ml. His test results revealed a level of 33 ng/ml. Member also had a Letter of Reprimand for failure to obey a lawful order to get his hair cut. The record shows that at the time of the discharge member consulted counsel yet waived his right to submit statements in his own behalf. Furthermore, member did not request he be considered for retention at the time of the discharge, and had he, the burden would have been his to show he met the seven retention criteria. Applicant now infers his illegal marijuana use was a lapse of judgment due to depression and personal problems. While it is understandable that someone experiencing personal problems may have increased stress, there is no evidence applicant used available base agencies such as the Chaplain, Family Support Center or chain of command to help him cope with his stress. Without additional evidence from applicant, the Board found the alleged personal problems of insufficient mitigation to suggest an upgrade. Additionally, there was no documented character or behavior disorder noted in applicant's medical record which would have substantiated this contention. At the time of the discharge, the Air Force's drug policy was well publicized and members were continually made aware that illegal drug use was not tolerated. Marijuana use is viewed as a very serious failure to meet Air Force standards. The Board noted that because drug abuse is not compatible with Air Force standards, the characterization of service applicant received is warranted.

**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 29 Oct 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 14 Jun 79. Enlmt Age: 20 4/12. Disch Age: 23 4/12. Educ: HS DIPL. AFQT: N/A. A-74, E-50, G-57, M-18. PAFSC: 1C551 - Aerospace Control & Warning Systems Journeyman. DAS: 23 Aug 00.

b. Prior Sv: (1) AFRes 15 Oct 99 - 11 Apr 00 (5 Months 28 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 12 Apr 00 for 4 yrs. Svd: 2 Yrs 6 Mos 18 Das, all AMS.

b. Grade Status: AB - 6 Sep 02 (Article 15,6 Sep 02)  
A1C - 12 Aug 01  
AMN - 12 Oct 00

c. Time Lost: None.

d. Art 15's: (1) 6 Sep 02, Eglin AFB, FL - Article 112a. You did, on or about 5 Aug 02, wrongfully use marijuana. Reduction to AB, 30 days restriction, forfeiture of \$100.00 pay, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 17 SEP 02 - Failure to obey a lawful order.

f. CM: None

g. Record of SV: 12 Apr 00 - 11 Dec01 Eglin AFB 4 (Initial)

(Discharged from Eglin AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (3) Yrs (0) Mos (15) Das  
TAMS: (2) Yrs (6) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Sep 03.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF

FD2003-00460

ATCH

1. Applicant's Issues.

30 Oct 03/cr

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)



WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

Dear Board;

I am writing to you today concerning the discharge I received while I was in the military. I believe my discharge should be upgraded because this was my first incident in which I received any written paperwork. Although I take responsibility for my actions, I was very depressed at the time and felt drugs would be a way of forgetting my problems. I was wrong. I feel getting kicked out of the military was punishment enough in which I rightfully deserved because I felt I let down my friends, family, co-workers and my supervisors. I grew up in a violent household and thought running away to the military would solve it. I feel I entered for the wrong reasons but thought I made the right decision because I came out a better man. My best memories and some of my best friends I met in the military. I treasure the moments I was in the Air Force and am proud to have been an Airman. I chose to do drugs while in the military (marijuana) and regret it because it took what I had my supervisors thought was a promising career in the military. I write to you today as a man, a father so that you may upgrade my discharge so I can have a chance at a decent job and can go on and try to be the best father I can be and be able to provide for my son and daughter. Regardless of how you rule I will always be proud to have served in the United States Air Force.

Thank you for your time and cooperations.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

2003 Sep 19

b. SIGNATURE



UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200	Naval Council of Personnel Boards Bldg. 36 - Washington Navy Yard 901 M Street, S.E. Washington, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78160-4742	Commandant (WPM-60) U.S. Coast Guard Headquarters Washington, DC 20593-0001



FD2003-00460

DEPARTMENT OF THE AIR FORCE  
728TH AIR CONTROL SQUADRON (ACC)  
EGLIN AIR FORCE BASE, FL

24 Sep 02

MEMORANDUM FOR AB [REDACTED] 728 ACS. (ACC)

FROM: 728 ACS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for drug abuse. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reason for this action is that between on or about 5 July 2002 to on or about 5 August 2002, you did, with in the continental United States wrongfully use marijuana. For this offense, you received nonjudicial punishment, dated 6 September 2002.

3. I am also forwarding the following information on to the separation authority for his consideration in characterizing your service:

a. On 17 September 2002, you received a letter of reprimand for failing to obey a lawful order to get your haircut.

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial (SPCM) jurisdiction or a higher authority will decide whether you will be discharged. If you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force. Special pay, bonuses, or education assistance funds may be subject to recoupment.

5. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult Capt [REDACTED] Building 451, on 24 Sept 02 at 1400 hours. 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 within 3 workdays from today unless you request and receive an extension for good cause shown. I will send them to the separation authority.

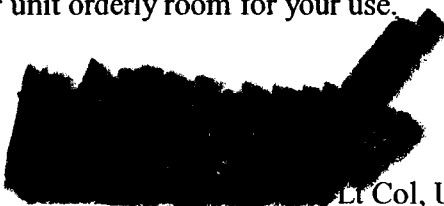
7. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.

8. You will complete a medical examination with the 96th Medical Group, physical exams section, on 26 Sept 02 at 0715 hours.

9. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on 25 Sept 02 at 0900 hours. Immediately after completion briefing, you are to report to the 96<sup>th</sup> Traffic Management Office with your completed AFDTTC Form 4134 or LGTT Office Form B133. If you have a TMO pickup it must be before 1 Oct 02 ..

10. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on 1 Oct 02 at 0800 hours.

11. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available in your unit orderly room for your use.

  
Lt Col, USAF  
Commander

Attachments:

1. Supporting Documents
2. Airman's Acknowledgment