

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE AMN	AFSN/SSAN ████████████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		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 A93.01 A92.37	INDEX NUMBER A66.00	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 28 Jul 2004	CASE NUMBER FD-2003-00504	
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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.

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00504

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.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE: Applicant was discharged for misconduct, namely drug abuse (marijuana), for which he received an Article 15. During the course of an ongoing Air Force Office of Special Investigations investigation, member was interviewed under rights advisement and admitted to smoking marijuana while on active duty approximately 20 times. The record shows that at the time of the discharge member consulted counsel and submitted statements in his own behalf requesting an honorable discharge. However, member did not request he be considered for retention, and had he, it would have been his burden of proof to show he met the seven retention criteria. Applicant now says his illegal marijuana use was a lapse of judgment due to immaturity, and admits he made a regrettable mistake. The Board noted applicant was 26 years of age when the discharge took place, and there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. At the time of his 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 member received was warranted and appropriate due to that misconduct.

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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Goodfellow AFB, TX on 16 Nov 98 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Apr 72. Enlmt Age: 24 4/12. Disch Age: 26 7/12. Educ: HS DIPL. AFQT: N/A. A-67, E-82, G-64, M-61. PAFSC: 4A131 - Medical Material Apprentice. DAS: 11 Feb 97.

b. Prior Sv: (1) AFRes 14 Aug 96 - 12 Nov 96 (3 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 13 Nov 96 for 4 yrs. Svd: 2 Yrs 0 Mo 4 Das, all AMS.

b. Grade Status: AMN - 19 Oct 98 (Article 15, 19 Oct 98)

c. Time Lost: None.

d. Art 15's: (1) 19 Oct 98, Goodfellow AFB, TX - Article 112a. You, did, at or near San Angelo, Texas, on divers occasions, between on or about May 1997 and on or about August 1998, wrongfully use marijuana. Reduction to Airman. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 13 Nov 96 - 15 Apr 98 Goodfellow AFB 5 (HAF Dir)

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

i. Stmt of Sv: TMS: (2) Yrs (3) Mos (3) Das
TAMS: (2) Yrs (0) Mos (5) Das

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Letter of Recommendation, 2 Nov 98.
3. Response to Discharge Action, 30 Oct 98.
4. DD Form 214 (Member 4 & 1).

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