

**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> ██████████
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<b>TYPE GEN</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>				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><b>YES</b></td> <td style="width:50%;"><b>No</b></td> </tr> <tr> <td></td> <td align="center"><b>X</b></td> </tr> </table>	<b>YES</b>	<b>No</b>		<b>X</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
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A66.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
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<b>HEARING DATE</b> 15 Jan 2004	<b>CASE NUMBER</b> FD-2003-00543	
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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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR

**INDORSEMENT** **DATE: 3/26/2004**

<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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-2003-00543

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

**ISSUE:** The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received an Article 15, two Letters of Reprimand, and one Record of Individual Counseling for misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

**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 Mar 03 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 24 Apr 84. Enlmt Age: 17 1/12. Disch Age: 18 11/12. Educ: HS DIPL. AFQT: N/A. A-51, E-69, G-64, M-53. PAFSC: 1C031 - Airfield Management Apprentice. DAS: 12 Aug 02.

b. Prior Sv: (1) AFRes 7 Jun 01 - 4 Feb 02 (7 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 5 Feb 02 for 4 yrs. Svd: 1 Yrs 1 Mo 24 Das, all AMS.

b. Grade Status: AB - 21 Feb 03 (Article 15, 21 Feb 03)  
 AMN - 5 Aug 03

c. Time Lost: None.

d. Art 15's: (1) 21 Feb 03, Cannon AFB, NM - You did, at or near Clovis, New Mexico, on or about 10 Nov 02, wrongfully possess some amount of marijuana. Reduction to AB. (No appeal) (No mitigation)

e. Additional: LOR, 06 JAN 03 - Failed to obey a lawful order.  
 LOR, 31 DEC 02 - Failed to obey a lawful order.  
 RIC, 29 OCT 02 - Failed to obey a lawful order, and failure to go.

f. CM: None.

g. Record of SV: None.

(Discharged from Cannon AFB)

h. Awards & Decs: NDSM, AFTR, BC&COB.

i. Stmt of Sv: TMS: (1) Yrs (9) Mos (22) Das  
 TAMS: (1) Yrs (1) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Nov 03.  
 (Change Discharge to Honorable)

FD2003-00543

NO ISSUES SUBMITTED.

ATCH  
None.

29DEC03/ia

FD 1003 - 00843



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 27th FIGHTER WING (ACC)  
CANNON AIR FORCE BASE NEW MEXICO

13 Mar 03

MEMORANDUM FOR AB [REDACTED] 27 OSS

FROM: 27 OSS/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 AFPD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending that your service be characterized as general (under honorable conditions).

2. My reason for this action is: On or about 10 Nov 02, you did wrongfully possess some amount of marijuana, as evidenced by an Article 15 action, dated 21 Feb 03. (Atch a)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force, and any special pay, bonuses, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment will be made for you to consult with a military legal counsel from the Cannon AFB Area Defense Counsel's Office at building 600, ext. [REDACTED]. You may consult civilian counsel at your own expense.


5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within **3 duty days** from today unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.

7. You will complete a medical examination at the 27th Medical Group on 17 MAR 03 at 0730 hours.

[REDACTED]

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in your unit orderly room, or you may download a copy from <http://afpubs.hq.af.mil/>.

 Maj, USAF  
Commander, 27 OSS

Attachments:

- a. Article 15 action, dated 21 Feb 03
- b. Letter of Reprimand, dated 6 Jan 03
- c. Letter of Reprimand, dated 31 Dec 02
- d. Letter of Counseling, dated 29 Oct 02