

**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>
YES    No		
	<b>X</b>	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A66.00	<b>INDEX NUMBER</b> A94.05	<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> 24 Feb 2004	<b>CASE NUMBER</b> FD-2003-00554
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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

<b>INDORSEMENT</b>		<b>DATE:</b> 2/24/2004
<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

FD-2003-00554

**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 received an Article 15 for wrongfully using marijuana. 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 4 Jan 99 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 6 Jun 76. Enlmt Age: 19 1/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-20, E-52, G-52, M-82. PAFSC: 2A333A - Tactical Aircraft Maintenance Apprentice. DAS: 27 Aug 96.

b. Prior Sv: (1) AFRes 12 Jul 95 - 20 Nov 95 (4 Months 9 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 21 Nov 95 for 4 yrs. Svd: 3 Yrs 1 Mo 15 Das, all AMS.

b. Grade Status: AB - 23 Nov 98 (Article 15, 23 Nov 98)  
 A1C - 21 Mar 97  
 AMN - 21 May 96

c. Time Lost: None.

d. Art 15's: (1) 23 Nov 98, Elmendorf AFB, AK - Article 112a. You did, between on or about 1 Feb 98 and on or about 31 Mar 98, wrongfully use marijuana. Reduction to AB, and forfeiture of \$463.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: TRAFFIC TICKET, 22 SEP 98 - Failure to provide a driver's license and driving without a driver's license.  
 TRAFFIC TICKET, 26 AUG 97 - Parking in a prohibited area.

f. CM: None.

g. Record of SV: 21 Nov 95 - 20 Jul 97 Elmendorf AFB 5 (Initial)  
 21 Jul 97 - 20 Jul 98 Elmendorf AFB 5 (Annual)

(Discharged from Elmendorf AFB)

h. Awards & Decs: AFAM, AFTR, NDSM, AFEM, AFGCM, AFOSLTR.

i. Stmt of Sv: TMS: (3) Yrs (5) Mos (24) Das  
 TAMS: (3) Yrs (1) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Dec 03.  
(Change Discharge to Honorable)

Issue 1: Board, Please consider my upgrade. The USAF was my life. I love the military and my country. Since the Air Force I have been a good husband, father and person. I would like to complete the empty feeling I have of not having my discharge honorable. Day by day goes by each day I wish I would have done this sooner or done something different to change my life. Please consider my upgrade.

**ATCH**

1. Nomination for Airman of the Quarter.
2. Nomination for Below the Zone.
3. 19 FS KUDOS Worksheet.

6 Dec 03/cr

DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

DEC 9 1998

MEMORANDUM FOR 19 FS/MAOA (AB [REDACTED])

FROM: 19 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct based on 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, general, or under other than honorable conditions. I am recommending your service be characterized as general.
2. My reason for this action is:

Between on or about 1 Feb 98 and on or about 31 Mar 98, you wrongfully used marijuana. For this offense, you received an Article 15, dated 13 Nov 98, and an Unfavorable Information File (UIF) entry.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you are 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, bonus, or education assistance funds may be subject to recoupment.
4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [REDACTED] at Bldg 6-920, Rm 330 on 11 Dec 98 at 1230. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide to the separation authority.
6. 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.
7. You have been scheduled for medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 24-850, at 0915 on 16 Dec 98 for your first exam, at which time you will be notified of the time for your second exam. You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours,

prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.

8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 1445 on 10 Dec 98. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 2-900 (People Center), Rm 247 at 0800 on 11 Dec 98. You must be in uniform for all appointments.

9. 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 at your Squadron Orderly Room.



 Lt Col, USAF  
Commander

Attachments:

1. Article 15, 13 Nov 98
2. DD Form 1408, 26 Aug 97
3. DD Form 1408, 22 Sep 98