

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE AB	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	
YES	No	ADDRESS AND OR ORGANIZATION OF COUNSEL	
	X		

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

ISSUES A95.00 A01.00	INDEX NUMBER A67.30	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 09 Mar 2004	CASE NUMBER FD-2003-00560
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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

INDORSEMENT		DATE: 3/9/2004
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

FD-2003-00560

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: 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 one Article 15, two Letters of Reprimand, and two Records of Individual Counseling. The misconduct included wrongful use of marijuana, failure to return from leave on time, failure to maintain required insurance, wearing an earring on military installation, and dereliction of duty. 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 15 Nov 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 7 Sep 81. Enlmt Age: 18 9/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-54, E-64, G-34, M-29. PAFSC: 2W131F - Aircraft Armament Systems. DAS: 11 Jul 01.

b. Prior Sv: (1) AFRes 20 Jun 00 - 18 Sep 00 (3 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Sep 00 for 6 yrs. Svd: 2 Yrs 1 Mo 28 Das, all AMS.

b. Grade Status: AB - 4 Oct 02 (Article 15, 4 Oct 02)
A1C - 3 Nov 00

c. Time Lost: None.

d. Art 15's: (1) 4 Oct 02, Aviano AB, Italy - Article 112a. You, did, in the country of Italy, on divers occasions between on or about 1 Jul 02 and on or about 15 Aug 02, wrongfully use marijuana. You, did, in the state of Texas, on divers occasions between on or about 9 Jun 02 and on or about 27 Jun 02, wrongfully use marijuana. Reduction to AB, forfeiture of \$550.00 pay per month for 2 months, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 08 JUL 02 - Failure to return from leave on time.
RIC, 28 JUN 02 - Wearing an earring while on a military installation.
RIC, 02 JUN 02 - Dereliction of duty, losing a tool.
LOR, 05 APR 02 - Failure to maintain required insurance on vehicle and injuring a bicyclist by not providing adequate clearance to the bicyclist.

f. CM: None.

g. Record of SV: 19 Sep 00 - 15 Apr 02 Aviano AB 4 (HAF Dir)

(Discharged from Lackland AFB)

h. Awards & Decs: AFTR, NDSM, NATO MEDAL.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (27) Das
TAMS: (2) Yrs (1) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Dec 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

13JAN04/ia



DEPARTMENT OF THE AIR FORCE
31ST FIGHTER WING (USAFE)

17 October 2002

MEMORANDUM FOR AIRMAN BASIC [REDACTED], 31 AMXS

FROM: 31 AMXS/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 under honorable conditions (general) or as honorable. I am recommending that your service be characterized as under honorable conditions (general).

2. My reason for this action is that on 15 August 2002, you chose to admit to multiple drug uses to your First Sergeant. In addition, you admitted to knowingly and wrongfully using this drug on several occasions in a statement to an AFOSI agent, dated 16 August 2002 (Attachment 1). As a result, you were directed to submit to a urinalysis test. This test revealed the presence of tetrahydrocannabinol (commonly known as marijuana), a controlled substance for which you did not have a valid medical prescription (Attachment 1).

3. I also considered the following derogatory information in accordance with paragraph 1.20 of AFI 36-3208. Although this information is not a part of the basis of this discharge action, I have considered it in determining my recommendation for your service characterization:
 - a. On 25 June 2002, you failed to return to Italy from your regularly scheduled leave in accordance with your leave authorization. For this offense, you received a Letter of Reprimand (LOR) on 8 July 2002;

 - b. On 27 June 2002, you were observed wearing an earring at an Air Force facility. For this offense, you received a Record of Individual Counseling (ROIC) on 28 June 2002;

 - c. On 6 June 2002, you failed to account for all work tools after performing maintenance as you are required to do. For this offense, you received an ROIC on 2 June 2002;

 - d. On 6 March 2002, you failed to maintain required insurance on your vehicle as well as injuring a bicyclist by not providing adequate clearance to the bicyclist as you are required to do. For these offense, you received an LOR on 5 April 2002.

"Return With Honor"

4. I have attached copies of the documents that will be forwarded to the separation authority. The commander exercising Special Court-Martial (SPCM) jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, the characterization of your service. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably will be denied enlistment in any component of the armed forces. In addition, any special pay, bonus, or education assistance funds may be subject to recoupment.

5. 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] ADC, on 18 October 2002, at 1400 hours. You may consult civilian counsel at your own expense.

6. You will report for a separation physical. You are to report to Flight Medicine on 21 October 2002, at 1300 hours. You will need to report *15 minutes prior* to your appointment and pick up your medical records.

7. You have the right to submit statements in your own behalf. Any statements that you want the separation authority to consider must reach me by 1600 hours on 22 October 2002, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

8. 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.

9. Any personal information that you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the unit orderly room as well as in the Area Defense Counsel's office.

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

[REDACTED]
Lt Col, USAF
Commander, 31 AMXS

Attachments:

1. Article 15, 4 October 2002 w/atch
2. Member's Acknowledgment of Receipt of Notification Memorandum
3. Enlisted Performance Report
4. Other Derogatory Data:
 - a. LOR, 8 July 2002
 - b. ROIC, 28 June 2002
 - c. ROIC, 2 June 2002
 - d. LOR, 5 April 2002
5. Member's Response

"Return With Honor"