

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE AMN	AFSN/SSAN ██████████				
TYPE GEN	X	PERSONAL APPEARANCE		RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	No	██████████		██████████ NW Washington DC 20006			
X							
MEMBER SITTING			VOTE OF THE BOARD				
			HON	GEN	UOHC	OTHER	DENY
			X				
			X				
			X				
			X				
ISSUES	A92.22 A03.02 A92.00	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	11 May 2004	CASE NUMBER	FD-2003-00565				
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 and the right to submit an application to the AFBCMR							
ENDORSEMENT			DATE: 5/11/2004				
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

CASE NUMBER

FD-2003-00565

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

The applicant appeared and testified before the Discharge Review Board (DRB) with counsel, Mr. [REDACTED] of the American Legion, at Andrews AFB, MD, on May 11, 2004.

The following additional exhibits were submitted at the hearing:

Exhibit #6: CA Army National Guard Honorable Discharge Certificate dated March 19, 2004

Exhibit #7: NGB Form 22E, Report of Separation and Record of Service

Exhibit #8: CA Army National Guard Separation Order 90-1011 dated March 30, 2004

Exhibit #9: CA DMV Driver's License ID Card Info dated March 17, 2004

Exhibit #10: Two Character letters dated February 10, 2004

Exhibit #11: Private Pilot's License and Medical Certificate 3rd Class

Exhibit #12: Equifax Credit Report dated March 11, 2004

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The Board partially grants the requested relief. The Discharge is upgraded to Honorable; however, change of reason and authority for discharge is denied.

ISSUE: The applicant received a general discharge for misconduct (drug abuse) and cited three issues:

Issue 1: This was a one-time incident which occurred after an otherwise immaculate record of service; there was no other record of misconduct.

Issue 2: Applicant turned himself in to the authority immediately after realizing his mistake and subsequently cooperated fully with the AFOSI during the investigation.

Issue 3: Applicant's post service community efforts and employment have been extensive with no further incidents with law enforcement.

The Board found that the evidence of record and that provided by the applicant substantiated an impropriety that justified a change of discharge in that the applicant self-identified his drug abuse to both his First Sergeant and the AFOSI. He testified that this was a one-time incident that he felt peer pressured into doing as he was new to his unit. There is no record of evidence to indicate that either his unit or the AFOSI would have had any reason to suspect/investigate him had he not come forward and self-identified his drug abuse. Having self-identified his drug abuse, the applicant should have been granted an Honorable Discharge which would have been consistent with the procedural and substantive requirements of the discharge regulation. The Board found no evidence of impropriety or inequity in this case on which to base a change to the reason and authority for the discharge as the applicant did self-admit to drug abuse.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was not consistent with the procedural and substantive requirements of the discharge regulation. In view of the foregoing findings, the Board further concludes that since the applicant self-identified his drug abuse, the character of applicant's service should have been Honorable under the provisions of Title 10, USC 1553.

The Board further concludes that there exists no legal or equitable basis for change of reason and authority for discharge, thus the applicant's reason and authority for discharge should not be changed.

Attachment:
Examiner's Brief

**DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD**

FD2003-00565A

[REDACTED] (Former AMN) (HGH A1C) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Dish fr USAF 8 Sep 95 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 14 May 02.

b. The AFDRB reviewed case on 21 Jun 02 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 23 Dec 03. (Change Discharge to Honorable)

I am making this request to have my discharge changed for several reasons.

I currently serve in the California Army National Guard (Infantry) and I have proven myself to be capable of conforming to military life and being a contributing member of the Armed Services.

The event that let to my discharge was a single day in a two year and four month period of active duty military service. This does not condone the behavior that I demonstrated, in fact, I can't think of any other event in my life that I am less proud of. Having said that, I believe I served honorably during the remainder of my service, from being a member of the "Presidential Honor Guard", to being a member of the firing party for General Doolittle's funeral, to standing "Guard of Honor" to President Nixon, to serving as the "Team Training" for the military district of Washington's S.P. "Peacekeeper Challenge."

I am applying to OCS for a federal commission, and in order to obtain a secret security clearance, necessary for the commission, I am requesting a change in my discharge to Honorable. Please note I do intend on showing recommendation for this from my commander, and eligibility (sic) for the commission by showing education transcripts.

Atch

None.

5JAN04/ai

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 USAF 95/09/08 UP AFI 36-3208, para 5.54 (Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 74/11/05. Enlmt Age: 18 2/12. Disch Age: 20 10/12. Educ:HS DIPL. AFQT: N/A. A-65, E-48, G-59, M-39. PAFSC: 3P031 - Security Apprentice. DAS: 95/05/16.

b. Prior Sv: (1) AFRes 93/01/14 - 93/02/08 (25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 93/02/09 for 4 yrs. Svd: 02 Yrs 07 Mo 00 Das, all AMS.

b. Grade Status: AMN - 95/07/26
A1C - 94/06/19

c. Time Lost: none.

d. Art 15's: (1) 95/07/26, Nellis AFB, NV - Article 112a. You did, between on or about 8 May 95, wrongfully use methamphetamines. Reduction to Amn, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: none.

f. CM: none.

g. Record of SV: 93/02/09 - 94/10/08 Bolling AFB 5 (Initial)
94/10/09 - 95/03/22 Bolling AFB 3 (CRO)

(Discharged from Nellis AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (07) Mos (25) Das
TAMS: (02) Yrs (07) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/01/24.
(Change Discharge to Honorable)

Issue 1: I believe my discharge was inequitable because it was based on one

isolated incident in 24 months of service with no other adverse action.

ATCH
none.

02/05/14/ia

DEPARTMENT OF THE THE AIR FORCE
554TH SECURITY POLICE OPERATIONS FLIGHT (ACC)
NELLIS AIR FORCE BASE, NEVADA

07 AUG 1995

MEMORANDUM FOR Amn [REDACTED] 554 SPOF

FROM: CC

SUBJECT: Notification Memorandum - Administrative Discharge Under AFI 36-3208

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: Between on or about 8 May 95 and on or about 15 May 95, you wrongfully used methamphetamines, for which you were punished under Article 15, UCMJ on 26 Jul 95.
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.
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 the Area Defense Counsel at Bldg 625 (Old Hospital) on 8 Aug 95 at 1500 hours. 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 by 10 Aug 95 at 1200 hours 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 in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination at the 554th Medical Group on 10 Aug 95 at 0800.
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.
9. Execute the attached acknowledgment and return it to me immediately.

 , Maj, USAF
Command 

Attachments:

1. Article 15, 31 Jul 95
2. (2) EPRs