

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██		GRADE AB		AFSN/SSAN ████████████████████																																			
TYPE GEN	PERSONAL APPEARANCE			RECORD REVIEW																																			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL																																			
YES	No																																						
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ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD																																			
A94.53 A92.37		A66.00		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		CASE NUMBER																																					
19 Mar 2004		FD-2004-00006																																					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCLOSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE																																							
<p>Case heard at Washington, D.C.</p> <p>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.</p> <p align="center"><i>[Signature]</i></p>																																							
INDORSEMENT			DATE: 3/19/2004																																				
TO:			FROM:																																				
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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-2004-00006

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.

ISSUES: Applicant received a general discharge for both drug abuse and minor disciplinary infractions. The records indicated the applicant received an Article 15, a Letter of Reprimand, and five Records of Individual Counseling for misconduct. His infractions included dereliction of duty, failing to follow proper technical order procedures, at least seven instances of failure to go, and using marijuana on divers occasions over an 8-month period. Additionally, member had an Enlisted Performance Report rated an overall referral "2" that noted his continual lack of dedication to his military obligations. The DRB opined that through the unit's multiple administrative actions, the applicant had ample opportunities to change his negative behavior and was unwilling or unable to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members. 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 characterization of the discharge received by the applicant was thus found to be appropriate.

The applicant stated he was told his discharge could be upgraded in 6 months. The DRB noted that while a discharge may be upgraded after 6 months, the upgrade is by no means automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of the discharge. In this case, none was found, so the Board denied the appeal.

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 18 Dec 95 UP AFI 36-3208, para 5.54 & 5.49 (Misconduct - Drug Abuse & Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 17 Jun 72. Enlmt Age: 20 6/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-46, E-52, G-48, M-62. PAFSC: 2A634 - Aircraft Fuel Systems Apprentice. DAS: 24 Jun 93.

b. Prior Sv: (1) AFRes 7 Jan 93 - 24 Jan 93 (18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 25 Jan 93 for 4 yrs. Svd: 2 Yrs 10 Mo 24 Das, all AMS.

b. Grade Status: AB - 30 Oct 95 (Article 15, 30 Oct 95)
 A1C - 25 May 94
 Amn - 25 Jul 93

c. Time Lost: None.

d. Art 15's: (1) 30 Oct 95, Spangdahlem AB, Germany - Article 112a. You did, on divers occasions between about 3 Apr 94 and 30 Nov 94, wrongfully use marijuana. Reduction to AB, and 30 days restriction. (No appeal) (No mitigation)

e. Additional: RIC, 18 OCT 95 - Missed appointment.
 LOR, 17 OCT 95 - Late for duty on 2 occasions.
 RIC, 19 JUN 95 - Failure to go.
 RIC, 19 APR 95 - Late for duty on 3 occasions.
 RIC, 07 FEB 95 - Failure to follow proper Tech Order procedures.
 RIC, 31 MAY 94 - Dereliction of duty.

f. CM: None.

g. Record of SV: 25 Jan 93 - 24 Sep 94 Spandahlem AB 4 (Initial)
 25 Sep 94 - 24 Sep 95 Spandahlem AB 2 (Annual)REF

(Discharged from Robins AFB)

h. Awards & Decs: AFTR, NDSM, AFOSLTR.

i. Stmt of Sv: TMS: (2) Yrs (11) Mos (12) Das
TAMS: (2) Yrs (10) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Jan 04.
(Change Discharge to Honorable)

Issue 1: The discharge is upgradeable (sic) in 6 months. It's been over 7 years.

ATCH
None.

4FEB04/ia



DEPARTMENT OF THE AIR FORCE
52D FIGHTER WING (USAF)

FD 2004-000 06

17 NOV 1995

MEMORANDUM FOR AB [REDACTED]
52d Component Repair Squadron

FROM: 52 CRS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, for drug abuse and for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.54 and 5.49. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General. My reasons for this discharge are:

a. Drug abuse: You did, at or near Spangdahlem AB, Germany, on divers occasion between about 3 Apr 94 through 30 Nov 94, wrongfully use marijuana, which was corroborated by A1C [REDACTED] statement to the OSI on 24 Apr 95 and Sgt [REDACTED] statement to the OSI on 18 Sep 95 (Atch 2). For this action, you received an Article 15 dated 17 Oct 95. Your punishment consisted of reduction to the grade of Airman Basic with a new date of rank of 30 Oct 95 (Atch 3).

b. Minor disciplinary infractions:

(1). On 30 May 94, you were derelict in the performance of your duties in that you willfully failed to complete your assigned tasks before the end of the duty day including completion of the logbook. For this action, you received a Letter of Counseling dated 31 May 94 (Atch 4).

(2). On or about 6 Feb 95, you were derelict in the performance of your duties in that you negligently failed to follow the correct technical procedures for purging an aircraft hydrazine system. For this action, you received a Letter of Counseling dated 7 Feb 95 (Atch 5).

(3). Between on or about 17 Apr 95 through 19 Apr 95, you did, without authority, fail to go at the time prescribed to your appointed place of duty at the 52 CRS dormitory for bay orderly duties. For this action, you received a Letter of Counseling dated 19 Apr 95 (Atch 6).

(4). On or about 17 Jun 95, you were derelict in the performance of your duties in that you willfully failed to remain on base for weekend duty as it was your duty to do. For this action, you received a Letter of Counseling dated 19 Jun 95 (Atch 7).

(5). On or about 5 Oct 95, you did, without authority fail to go at the time prescribed to your appointed place of duty at dormitory 135. On 17 Oct 95, you did, without authority, fail to

go at the time prescribed to your appointed place of duty when you were 20 minutes late to work. For these actions, you received a Letter of Reprimand dated 17 Oct 95 (Atch 8).

(6). On or about 14 Oct 95, you did, without authority, fail to go at the time prescribed to your pre-scheduled self-aid buddy care class. For this action, you received a Letter of Counseling dated 18 Oct 95 (Atch 9).

2. 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 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.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I made an appointment for you to consult Capt [REDACTED] Area Defense Counsel, Spangdahlem AB, Germany, DSN 452-6607, on 22 Nov 95 at 0900 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me NO LATER THAN 27 Nov 95, unless you request and receive an extension in writing for good cause shown. I will send them to the separation authority.

5. You have been scheduled for a medical examination. You must report to the 52d Medical Group Physical Exams Element at 0745 hours on 27 Nov 95. Consume no alcohol 72 hours prior to your physical. You need to report to the Physical Exams Element, SrA [REDACTED] as soon as possible to have your blood drawn.

6. If you fail to consult counsel or to submit statements in your own behalf within the time period prescribed, it will constitute a waiver of your right to do so.

7. 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 the Orderly Room.

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

[REDACTED]
Major, USAF
Commander

Attachments:

1. A1C [REDACTED] statement, 24 Apr 95
2. Sgt [REDACTED] statement, 18 Sep 95
3. AF Form 3070, 17 Oct 95
4. AF Form 174, 31 May 94
5. AF Form 174, 7 Feb 95
6. AF Form 174, 19 Apr 95
7. AF Form 174, 19 Jun 95
8. LOR, 17 Oct 95
9. AF Form 174, 18 Oct 95