

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>			GRADE AB		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>	
TYPE GEN		PERSONAL APPEARANCE			X	RECORD REVIEW
COUNSEL YES No <div style="text-align: center; margin-top: 5px;">X</div>		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL	
MEMBER SITTING				VOTE OF THE BOARD		
				HON	GEN	UOTHC
				OTHER	DENY	
						X
						X
						X
						X
						X
ISSUES A95.00		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 09 Dec 2004		CASE NUMBER FD-2004-00017				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED 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>						
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>						
INDORSEMENT				DATE: 12/9/2004		
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, 3RD FLOOR ANDREWS AFB, MD 20762-7002		

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00017

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 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]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 9 May 00 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 26 May 79. Enlmt Age: 18 7/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-79, E-55, G-55, M-40. PAFSC: 3P031 - Security Apprentice. DAS: 14 Jan 99.

b. Prior Sv: (1) AFRes 22 Jan 98 - 18 Aug 98 (6 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 19 Aug 98 for 6 yrs. Svd: 1 Yrs 8 Mo 21 Das, all AMS.

b. Grade Status: AB - 6 Apr 00 (Article 15, 6 Apr 00)
A1C - Unknown

c. Time Lost: None.

d. Art 15's: (1) 6 Apr 00, Malmstrom AFB, MT - Article 112a. You, did, on or about 6 Mar 00, wrongfully use marijuana. Reduction to AB, forfeiture of \$200.00 pay per month for 2 months, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 19 Aug 98 - 18 Apr 00 Malmstrom AFB 2 (HAF Dir) REF
(Discharged from Malmstrom AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (3) Mos (18) Das
TAMS: (1) Yrs (8) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Jan 04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

FD2004-00017

ATCH
None.

6FEB04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 341ST SPACE WING (AFSPC)

MEMORANDUM FOR 741 SFS (ATTN: [REDACTED]) APR. 28 2000

FROM: 741 SFS/CC

SUBJECT: Notification Memorandum

1. Pursuant to AFPD 36-32 and AFI 36-3208, paragraph 5.54, I am recommending your discharge from the United States Air Force for drug abuse. If my recommendation is approved, your service will be characterized as either honorable, general or under other than honorable conditions. I am recommending a general discharge.
2. My reason for this action is on 6 Mar 00, you wrongfully used marijuana. For this misconduct you received an Article 15 dated 6 Apr 00.
3. Copies of the above documents that will 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. 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 counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel, 7015 Goddard Drive, Bldg 145, Room 144 on 1 May 00 at 0930. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. You have three duty days from the date of this letter (COB 3 May 00), to provide me with any statements you want the separation authority to consider. You may request and receive an extension for good cause shown. I will send all submitted statements 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 must receive a medical examination. You are scheduled for a medical examination at the 341st Medical Group Physical Examination Section on 1 May 00 at 1330 hours. You **MUST** be in uniform for this appointment. If you wear glasses, you must also bring them to this appointment.

8. The Privacy Act Statement as explained in AFI 36-3208, Atch 6, covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use at your Orderly Room.



Attachments:

1. Supporting documents:
 - a. Article 15 dtd 6 Apr 00
2. Airman's Receipt of Notification Memorandum