



**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00114**

**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:** Applicant contends discharge was inequitable because it was too harsh, namely that it was based on one isolated incident. The records indicated the applicant received an Article 15 for drug abuse and violating a lawful order. Specifically, member violating a lawful order not to travel to Mexico, which was off limits for military personnel assigned to Laughlin AFB, Texas. Furthermore, he wrongfully possessed 16 milliliters of methenolone enanthate, a Schedule III controlled substance. He also improperly used Clenbuterol, an anabolic steroid not approved by the United States Food and Drug Administration for human or animal consumption, as was evidenced by the results of a probable cause urinalysis. The DRB also noted member had admitted to pre-service use of Lysergic Acid Diethylamide (LSD), cocaine, and marijuana use during a mental health appointment. He was diagnosed with an Adjustment Disorder with anxiety and depression, and subsequently with the early onset of a dysthymic disorder. The Board concluded the applicant's misuse of drugs while in the Air Force was a significant departure from conduct expected of all military members, and the Air Force policies regarding such abuse were well known. There was no evidence applicant was immature or did not know right from wrong, thus he was held accountable for his actions. The Board also noted he was age 23 when his offenses occurred, older than most first term airmen who adhere to the standards expected of them. The characterization of the discharge received by the applicant was thus found to be appropriate in view of the serious misconduct.

**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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Laughlin AFB, TX on 2 Sep 03 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 25 Jan 80. Enlmt Age: 22 11/12. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-55, E-51, G-55, M-49. PAFSC: 4R031 - Diagnostic Imaging Apprentice. DAS: 26 Nov 02.

b. Prior Sv: (1) AFRes 5 Jan 01 - 5 Mar 01 (2 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 6 Mar 01 for 4 yrs. Svd: 2 Yrs 5 Mo 28 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 15 Jul 03, Laughlin AFB, TX - Article 92. You, having knowledge of a lawful order issued by [REDACTED] to wit: "Travel into Mexico is off limits to all uniformed military personnel assigned to Laughlin AFB," dated 19 Mar 03, an order which it was your duty to obey, did at or near Eagle Pass, Texas, on or about 22 Mar 03, fail to obey the same by traveling from Eagle Pass into Piedras Negras, Mexico. Article 112a. You, did, on or about 22 Mar 03, wrongfully possess 16 milliliters of methenolone enanthate, a Schedule III controlled substance. Suspended reduction to Airman, and 7 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 6 Mar 01 - 25 Mar 03 Laughlin AFB 3 (Initial)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (7) Mos (29) Das  
TAMS: (2) Yrs (5) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Apr 04.  
(Change Discharge to Honorable)

Issue 1: I am requesting discharge upgrade to Honorable, as AFI 36-3208 Para 1.17 indicates a discharge less than honorable should be given for Pattern of Behavior not a (sic) isolated incident. Please review the attached documentation and apprise me of your decision as soon as possible.

**ATCH**

1. DD Form 214.
2. Discharge Response, 8 Aug 03.
3. Drug Testing Report.

7MAY04/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD2004-00114

31 July 2003

MEMORANDUM FOR [REDACTED]

FROM: 47 MDSS/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 AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.54. If your discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My reasons for this action are:
  - a. On 22 March 2003, you, did at or near Laughlin Air Force Base, Texas, wrongfully possess 16 milliliters of methenolone enanthate, a Schedule III controlled Substance. For this misconduct you received nonjudicial punishment under Article 15, UCMJ, dated 15 July 2003.
  - b. Between on or about 23 February 2003 and on or about 23 March 2003, you improperly used Clenbuterol, as evidenced by the test results of a probable cause urine sample taken on 23 March 2003. Clenbuterol is an anabolic agent not approved by the U.S. Food and Drug Administration for human or animal consumption in United States.
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 will be discharged or retained in the Air Force and if you are discharged, how your service will be characterized. Any special pay, bonus, or educational assistance funds you have received may be subject to recoupment. In cases involving recoupment of education assistance funds, the separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g). If you are discharged, you will be ineligible for reenlistment in the Air Force.
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You are to contact the Area Defense Counsel, 200 Bong Ave, Ste 2, Bldg 100, Lackland AFB, TX 78236-5110, DSN 473-2924. 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 0830 hours on 6 August 2003 unless you

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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. You must report to the 47th Medical Group, Family Practice Section at 0900 hours on 4 August 2003 and an additional examination will be scheduled if necessary.
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 the unit orderly room.



Attachments:

1. Nonjudicial Punishment under Article 15, UCMJ, dated 15 July 2003
2. OSI Report