

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ██
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<b>TYPE GEN</b>	<input checked="" type="checkbox"/>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>		
	<input checked="" type="checkbox"/>		

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

<b>ISSUES</b> A95.00 A01.00	<b>INDEX NUMBER</b> A66.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		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

<b>HEARING DATE</b> 21 Oct 2004	<b>CASE NUMBER</b> FD-2004-00129	
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**APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

Case heard at Washington, D.C. via video-teleconference with Travis AFB CA.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

**INDORSEMENT** **DATE: 10/21/2004**

<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Travis AFB via video-teleconference with Andrews AFB MD on 21 October 2004. The following additional exhibits were submitted at the hearing:

Exhibit 5: 19 Oct 04, e-mail from [REDACTED]  
Exhibit 6: 16 Oct 04, e-mail from [REDACTED]  
Exhibit 7: 14 Oct 04, e-mail from [REDACTED]

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 Board finds that the applicant submitted no issues contesting the equity or propriety of the discharge and after a thorough review of the record, the board was able to identify none. The records indicated the applicant received an Article 15 and two Letters of Reprimand, and one Record of Individual Counseling for misconduct. The misconduct included drug abuse, failure to maintain recall roster, failure to go, cleaning oil paint from brush in latrine sink. Noncommissioned officers have special responsibilities by virtue of their rank and play an integral role in maintaining good order discipline. The Board concluded that the applicant's misconduct was a significant departure from the conduct expected of noncommissioned officers. 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**

FD2004-00129A

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

1. MATTER UNDER REVIEW: Appl rec'd a GEN Dish fr Tinker AFB, OK on 7 Dec 93 UP AFR 39-10, para 5-51 (Misconduct - Drug Abuse). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 21 Dec 98.

b. The AFDRB reviewed case on 23 May 00 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 23 Mar 04. (Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

My discharge was inequitable because it was based on an isolated incident in 7 years of service. I would like to join the reserves, and I need an upgrade.

Atch

1. AF Form 3070.
2. DD Form 214.

4MAY04/ia

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

(Former A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 93/12/07 UP AFR 39-10, para 5-51 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 58/11/26. Enlmt Age: 27 11/12. Disch Age: 35 0/12. Educ: HS DIPL. AFQT: n/a M-78, A-90, G-80, E-88. PAFSC: 2E251 - Electronic Computer Switching Systems Journeyman. DAS: 87/08/09.

b. Prior Sv: Enld as A1C 86/10/27 for 4 years. Svd: 3 yrs 10 mos 6 das, all AMS. SRA - 89/02/27. SGT-(EPR Indicates): 89/12/07-90/06/25. APRs: 9, 9. EPRs: 3, 4.

3. **SERVICE UNDER REVIEW:**

a. Reenld as Sgt 90/08/31. Svd: 3 Yrs 3 Mo 7 Das, all AMS.

b. Grade Status: A1C - 93/09/28 (ART 15, 93/09/28)

c. Time Lost: none.

d. Art 15's: (1) 93/09/28, Tinker AFB, OK - You did, between o/a 13 Jun 93 to o/a 13 Jul 93, wrongfully use marijuana. Rdn to A1C. (Appeal/Denied) (No mitigation).

e. CM: none.

f. Record of SV: 90/06/26 91/06/25 Tinker AFB 3 (Annual) (REF)  
91/06/26 92/06/25 Tinker AFB 2 (Annual) (REF)  
92/06/26 93/06/25 Tinker AFB 3 (Annual)  
(Discharged from Tinker AFB)

g. Awards & Decs: AFOUA W/2 DEV, AFGCM W/1 DEV, NDSM, AFLSAR, NCOPMER, SAEMR, AFTR.

h. Stmt of Sv: TMS: (7) Yrs (1) Mos (11) Das  
TAMS: (7) Yrs (1) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 98/09/25  
(Change Discharge to Honorable)

Issue 1: My undesirable discharge was based on one isolated incident in over 7 years of military service with no other adverse action.

FD 2004-00129-A

FD-98-00412

ATCHS

none.

98/12/21/ia



DEPARTMENT OF THE AIR FORCE

FD2004-00129-A

552d LOGISTICS GROUP (ACC)  
TINKER AIR FORCE BASE, OKLAHOMA

FROM: 552 MS/CC

22 October 1993

SUBJ: Notification Letter -- Board Hearing

TO: [REDACTED]  
552 MS

1. I am recommending your discharge from the United States Air Force for Misconduct according to AFR 39-10, under the provisions of paragraph 5-51, Drug Abuse. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action is:

Between on or about 13 Jun 93 to on or about 13 Jul 93, within the territorial limits of the United States, you wrongfully used marijuana. As a result, you received an Article 15, dated 28 Sep 93. Punishment was reduction to the grade of airman first class, effective 28 Sep 93. See Atch 1.

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive a general discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You were scheduled for a medical examination on 6 Oct 93 and you should have reported to the Tinker AFB Hospital, Physical Exam Section, on that date for the examination.

6. Military legal counsel, Capt [REDACTED] Bldg 452, Tinker AFB, OK, telephone 739-7713, has been obtained to assist you. You may consult him on 25 October 1993, at 0930 hours, at Bldg 452. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian

FD2004-00129-A

counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within seven workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the orderly room.

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

  
Commander , USAF

1 Atch  
Art 15, dtd 28 Sep 93