

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE A1C	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

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 29 Jun 2004	CASE NUMBER FD-2004-00140	
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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.

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

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

INDORSEMENT **DATE: 6/29/2004**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2004-00140

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. 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 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 applicant received an Article 15 for wrongfully using marijuana. The Board concluded the disciplinary infraction was a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

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

(Former A1C) (HGH SRA)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Davis-Monthan AFB, AZ on 10 Jul 97 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 8 Feb 73. Enlmt Age: 20 1/12. Disch Age: 24 5/12. Educ: HS DIPL. AFQT: N/A. A-46, E-80, G-64, M-84. PAFSC: 2A137 - Electronic Warfare System Journeyman. DAS: 23 Jul 96.

b. Prior Sv: (1) AFRes 7 Apr 93 - 26 Sep 93 (5 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Sep 93 for 4 yrs. Svd: 3 Yrs 9 Mo 14 Das, all AMS.

b. Grade Status: A1C - 13 Jun 97 (Article 15, 13 Jun 97)
SRA - 27 Sep 96
A1C - 27 Jan 95
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 13 Jun 97, Davis-Monthan AFB, AZ - Article 112a. You, did, at or near Topeka, Kansas, on divers occasions, between on or about 7 Apr 97 and on or about 21 Apr 97, wrongfully use marijuana. Reduction to A1C, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV:	27 Sep 93 - 26 May 95	Kadena AB	3	(Initial)
	27 May 95 - 26 May 96	Kadena AB	3	(Annual)
	27 May 96 - 26 May 97	Davis-Monthan AFB	3	(Annual)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (4) Yrs (3) Mos (4) Das
TAMS: (3) Yrs (9) Mos (14) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Feb 04.
(Change Discharge to Honorable)

FD2004-00140

NO ISSUES SUBMITTED.

ATCH
None.

7MAY04/ia

FD2004-00140



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 355TH WING (ACC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

JUL 01 1997

MEMORANDUM FOR A1C [REDACTED]

FROM: 355 CRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, drug abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service may be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

Between on or about 7 Apr 97 and on or about 21 Apr 97, you wrongfully used marijuana on several occasions. As a result, you received an Article 15 and were reduced to the grade of Airman First Class and given 14 days extra duties. (Article 15, UCMJ dated 19 Jun 97).

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 discharged, how your service will be characterized. 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 Capt [REDACTED] or SSgt [REDACTED] building 3510, 3rd floor, west end, extension 5664, has been obtained to assist you. An appointment has been scheduled for you to consult him on _____ at _____ hrs. In addition to military counsel, you have the right to employ 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 07 Jul 97 (allow 3 duty days) unless you request and receive an extension of 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 Physical Exams Office of the Aeromedical Facility, Bldg 412, Rm 3 at _____ on _____ for the examination.

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 at the ADC, Bldg. 3510.

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



Major, USAF

Commander

Attachments:

1. Supporting Documents:

- a. Record of Nonjudicial Punishment (3 pages)
- b. Article 15 Written Response, dated 6 Jun 97
- c. Article 15 Request for Delay, dated 5 Jun 97
- d. AF Form 1168, dated 20 May 97 (2 pages)
- e. Report of Positive Urinalysis Test, dated 19 May 97 (2 pages)
- f. Order to Provide Urine Specimen, dated 25 Apr 97

2. Airman's Receipt of Notification

Memorandum