

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE AMN	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	A94.05	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	CASE NUMBER
01 Jul 2004	FD-2004-00147

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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

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INDORSEMENT	DATE: 7/1/2004
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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

CASE NUMBER

FD-2004-00147

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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for wrongfully using marijuana, two Letters of Reprimand, and four Letters of Counseling for various misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Little Rock AFB, AR on 25 Sep 95 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 7 Mar 74. Enlmt Age: 17 6/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-74, E-46, G-42, M-38. PAFSC: 2S051 - Inventory Management Journeyman. DAS: 2 Dec 93.

b. Prior Sv: (1) AFRes 12 Sep 91 - 17 Jun 92 (9 months 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Jun 92 for 4 yrs. Svd: 3 Yrs 3 Mo 8 Das, all AMS.

b. Grade Status: AMN - 8 Sep 95 (Article 15, 8 Sep 95)
 SrA - Unknown
 A1C - 18 Oct 93
 AMN - 18 Dec 92

c. Time Lost: None.

d. Art 15's: (1) 8 Sep 95, Little Rock AFB, AR - Article 112a. You did, within the continental United States, between on or about 25 May 95 and on or about 1 Jun 95, wrongfully use marijuana. Reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 17 AUG 95 - Late for work.
 LOC, 18 MAR 95 - Late for work.
 LOR, 24 FEB 95 - Failure to go.
 LOC, 22 FEB 95 - Failure to go (Missing from file).
 LOC, 22 JAN 95 - Late for work (Missing from file).
 LOC, 10 JAN 95 - Unsatisfactory performance.

f. CM: None.

g. Record of SV: 18 Jun 92 - 16 May 94 Little Rock AFB 3 (Initial)
 17 May 94 - 19 May 95 Little Rock AFB 3 (Annual)

h. Awards & Decs: AFTR, NDSM, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (14) Das
 TAMS: (3) Yrs (3) Mos (8) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 15 Apr 04.
(Change Discharge to Honorable)

Issue 1: Am (sic) not trying to make no excuse for my seperation (sic) from the Air Force for drug use, but all my problems in the service occur (sic) at Little Rock AFB. I was a very good Airman overseas while station (sic) at Iraklion Air Station, Greece. Before my troubles began I had recieve (sic) a assigment (sic) to go to Kunsun (sic) Korea which I had orders to go. I knew to pro-long (sic) my future in the Air Force I had to leave Little Rock AFB. So 3 weeks until the time I was suppose to report to Korea my supervisor inform (sic) me that she didn't think I should go oversea's (sic), because I couldn't adopt (sic) and like I told her my first assigment (sic) was overseas in Greece. My assigment (sic) was taken and I fell into depression, because I just want to leave Little Rock AFB.

Now am (sic) just trying to get my life back on track. And make some postive (sic) out of myself by attending college, and provide a comftable (sic) lifestyle for my fianace (sic) and son (REDACTED).

All I want is a second chance in life and so receiving my GI Bill for college is so important to me, where I can start my life in the right direction again. Thank you for your time.

ATCH

1. DD Form 149.
2. College Transcript.

25MAY04/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 314TH AIRLIFT WING (ACC)

LITTLE ROCK AIR FORCE BASE, ARKANSAS

FD 2004-0947

14 SEP 1995

MEMORANDUM FOR [REDACTED]
314TH SUPPLY SQUADRON

FROM: 314 SUPS/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, paragraph 5.54. If my recommendation is approved, your service will be characterized as honorable or general under honorable conditions. I am recommending that your service be characterized as general under honorable conditions.

2. My reasons for this action is:

Between on or about 25 May 1995 and on or about 1 June 1995, you wrongfully used marijuana. You received an Article 15 for your actions. (Atch 1-1)

3. Other Derogatory Data:

a. On or about 17 August 1995, you failed to go at the prescribed time to your place of duty. You were to report to TSgt [REDACTED] for dorm details. You received a Letter of Reprimand for your actions. (Atch 1-2)

b. On or about 18 March 1995, you were late for work. You had been counseled about being late for work numerous times. You received a Letter of Counseling for your actions. (Atch 1-3)

c. On or about 21 February 1995, you were to report to Building 772, Base Supply Dormitory, to move your personal property to another room. You failed to report to Building 772. You received a Letter of Counseling for your actions. (Atch 1-4)

d. On or about 15 February 1995, you were to report to Building 772, Room 311, 1900, the same day in order to have your assigned room ready for inspection. You failed to go. You received a Letter of Counseling for your actions. (Atch 1-5)

e. On or about 22 January 1995, you failed to report to work on time. You received a Letter of Counseling for your actions. (Atch 1-6)

Global Power for America

f. On or about 10 January 1995, you failed to accomplish numerous tasks in a timely manner. You received a Letter of Counseling for your actions. (Atch 1-7)

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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.

5. 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 Captain [REDACTED] Area Defense Counsel, Bldg 1255, Rm 201, Telephone 3260 on 14 Sep 95 at 1530 hours. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 3 workdays unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. 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.

8. You have been scheduled for a medical examination. You must report to Little Rock AFB Hospital at 0730 hours on 19 Sep 95 for the examination.

9. 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.

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

[REDACTED], Major, USAF
Commander

Attachments:

- 1-1 Article 15, 13 Sep 95
- 1-2 LOR, 17 Aug 95
- 1-3 LOC, 18 Mar 95
- 1-4 LOC, 22 Feb 95
- 1-5 LOR, 15 Feb 95
- 1-6 LOC, 22 Jan 95
- 1-7 LOC, 10 Jan 95