

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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|---|---|---|--|-------|-------|------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████ | | GRADE A1C | AFSN/SSAN ██████████ | | | |
| TYPE GEN | PERSONAL APPEARANCE | X | RECORD REVIEW | | | |
| COUNSEL | | ADDRESS AND OR ORGANIZATION OF COUNSEL | | | | |
| YES | No | | | | | |
| | X | | | | | |
| MEMBER SITTING | | VOTE OF THE BOARD | | | | |
| | | HON | GEN | UOTHC | OTHER | DENY |
| | | | | | | X |
| | | | | | | X |
| | | | | | | X |
| | | | | | | X |
| ISSUES | INDEX NUMBER | EXHIBITS SUBMITTED TO THE BOARD | | | | |
| A93.23 A92.01 A93.09 | A66.00 | 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 | | | | | |
| 11 Aug 2004 | FD-2004-00164 | | | | | |
| 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="text-align: center; margin-top: 20px;"> </div> | | | | | | |
| INDORSEMENT | | DATE: 8/11/2004 | | | | |
| TO: | FROM: | | | | | |
| SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742 | SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002 | | | | | |

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00164

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 1. Applicant contends discharge was inequitable because it was based on one incident in 59 months of service. Applicant was discharged for drug abuse after he received an Article 15 for wrongful use of marijuana when a urinalysis came back containing THC above the DoD cut-off of 15 ng/ml, specifically 37 ng/ml. Applicant feels a general discharge was too harsh for this offense. The Board noted the Air Force's drug policy was well publicized and members were continually made aware that illegal drug use was not tolerated. Marijuana use is viewed as a very serious failure to meet Air Force standards and thus the characterization of service member received is warranted and appropriate due to that misconduct. The Board could find no inequity or impropriety on which to suggest a basis to upgrade the discharge.

Issue 2. 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 its basis.

Issue 3. Applicant contends he was suffering from depression as a result of the death of a best friend, serious illness of his mother, and death of his first child, all within a short period of time. It was in this context and due to peer pressure that applicant claims he succumbed to the temptation of using marijuana. At the time of the discharge, member consulted counsel and they requested a retention waiver, claiming that member's drug use was experimental. But he had admitted three instances of pre-service marijuana use which discredited the claim that he was an experimenter. Furthermore, there is no evidence in the record that member sought help from any base agencies such as the chaplain, life skills clinic, family support center, or chain of command for his purported depression. While it is understandable that someone experiencing personal problems has additional stress, the Board did not find them of sufficient mitigation to 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Lackland AFB, TX on 30 Jun 03 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 7 Apr 79. Enlmt Age: 19 2/12. Disch Age: 24 2/12. Educ: HS DIPL. AFQT: N/A. A-72, E-32, G-39, M-16. PAFSC: 3P051 - Security Forces Journeyman. DAS: 30 May 02.

b. Prior Sv: (1) AFRes 9 Jun 98 - 28 Jul 98 (1 month 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Jul 98 for 4 yrs. Extended 17 Dec 01 for 23 months. Svd: 4 Yrs 11 Mo 2 Das, all AMS.

b. Grade Status: A1C - 25 Apr 03 (Article 15, 25 Apr 03)
SrA - 29 Jul 01
A1C - 29 Nov 99
Amn - 29 Jan 99

c. Time Lost: None.

d. Art 15's: (1) 25 Apr 03, Lackland AFB, TX - Article 112a. You, did, between on or about 1 Feb 03, and on or about 26 Feb 03, wrongfully use marijuana. Reduction to A1C. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 29 Jul 98 - 28 Mar 00 Randolph AFB 5 (Initial)
29 Mar 00 - 28 Mar 01 Randolph AFB 5 (Annual)
29 Mar 01 - 28 Mar 02 Randolph AFB 5 (Annual)
29 Mar 02 - 26 Feb 03 Lackland AFB 5 (CRO)

h. Awards & Decs: AFAM, AFOUA W/1 OLC, NDSM, AFEM, AFLSAR, AFTR.

i. Stmt of Sv: TMS: (5) Yrs (0) Mos (22) Das
TAMS: (4) Yrs (11) Mos (2) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 Feb 04.

(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

12JUL04/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

Letter on my behalf

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

- 1) Discharge was improper because it was based on ONE incident, which was caused by stress & Depression (which was not treated), during 59 months of Honorable Service with no other adverse Action.
- 2) Characterization of Discharge does not portray appropriate Image of performance level & is not consistent with EPB Ratings during service.
- 3) Life threatening & devastating events & prof. pressure led to Action that caused Discharge from military.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date)

AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

20040623

b. SIGNATURE

UPON COMPLETION OF THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY
 Army Review Boards Agency
 Support Division, St. Louis
 ATTN: SFMR-RBR-SL
 9700 Page Avenue
 St. Louis, MO 63132-5200
 (See <http://arba.army.pentagon.mil>)

NAVY & MARINE CORPS
 Naval Council of Personnel Boards
 720 Kennon Street, S.E.
 Rm. 309 (NDRB)
 Washington Navy Yard, DC
 20374-5023

AIR FORCE
 SAF/MIBR
 550-C Street West, Suite 40
 Randolph AFB, TX 78150-4742

COAST GUARD
 Commandant (G-WPM)
 2100 Second Street, S.W.
 Washington, DC 20593-0001

This letter is being submitted on behalf of me [REDACTED] and it is in support of having my military records corrected. If my records are available To Whom It May Concern, please look them over and base your decisions accordingly. I was informed that the Veterans Affairs office could assist me with this type of action, but the phone calls that were made to the VA representatives were not returned, so I am taking the liberty of typing my own letter on my behalf in hopes that whoever reads this will understand the reasoning behind me doing so. I feel as though this discharge that I received from the Air Force is the only thing keeping me from becoming a legitimate part of society. I believe that my misconduct was due to life changing events, and my purpose of this request is to attempt to receive a discharge that reflects my work ethic and also characterizes what type of individual I am.

There were three events that changed my life last year that have not fully recovered from, but the lord has blessed me with his grace to be able to move on in life. I will explain the effects of each event, but keep in mind that it's not in order the way it happened. One of the incidents that happened was the death of my best friend, who was suppose to visiting me at the time of his death. I was suppose to pick him up, but I could not, and his mother got sick, so we decided that the best thing for both parties was to plan the trip for another weekend. That same night, he got shot as he came out of his front door. The issue that depressed me was the fact that I had plans to pick him up that day. I just could not get over the fact that if I had indeed picked him up, he would still be living. That sent me into a kind of shock that seriously took a toll on my mental state.

The most significant incident that I had to overcome in February of 2003 that played a role in my misconduct was the death of my first born son, [REDACTED]. [REDACTED] I had a girlfriend whom I was engaged to that became pregnant for me. She was due to deliver around April 1, 2003, but complications made my son come prematurely. Two days before I got on a plane, I received a call saying my son had passed away. During the pregnancy, my girlfriend and I were trying to work out our relationship, and when my son got taken away from me, it destroyed my world. The fact that I had a son was my ultimate accomplishment in life and when that accomplishment got taken from me, I had nothing left to give to my job, or my relationship and both worlds fell apart. Needless to say, that was the end of our relationship because it led to arguments, and blaming, and a lot of stress.

The last thing that took place was a decision that my mother had made to not have her surgery for her breast cancer. My mom decided that one surgery had been enough, and she was not going to go through chemotherapy ever again, and the doctor told her that her decision gave her about 2 months to live. The family had gone to this appointment with my mother for support, and this statement from the doctor broke us all down. I will just say that this really stressed me out because I had no intentions of sitting around and watching my mother slowly die. My misconduct happened after this information was passed to us, and I had cried myself to the point to depression, and honestly felt I needed to drug myself, or commit suicide to justify all of these things that were happening to me. I got back to San Antonio, and my first day back at work, I got notified that I would be leaving for a

TDY as soon as two weeks. The level of stress in my life was getting higher by the day.

These events that happened to me really played a significant role in my actions. All of things happened in a 30-45 day span, and I honestly don't know anyone that could have endured what I went through without contemplating suicide. I feel as if I had no one to turn to because I worked at the MPF with officers, and highly enlisted officials and they made it seem as though under no circumstance can one lose self-control, and that's why I believe that I was not offered help for my depression. I am requesting that my discharge be upgraded to honorable based on my work ethic, and my evaluations of my work that I received from my supervisors. Any EPR that was ever done on me reflects the highest rating possible and also included remarks from officials that prove that I am a dependable employee. I am also requesting that my discharge to be upgraded for the benefit of my future. Employer's who see this type of discharge, do not care what type of problems I endured. They just see that general discharge, but that does not portray the image of what type of worker I am and what type I would be to these companies. I made a mistake in life, and I have learned and moved on from that. I have always given 110 percent, and when I got depressed and had no more to give, and I lost my reason for living. I have rectified my situations with the lord, and I working for the church that I attend while I am finishing my degree plan. I am close to finishing my degree in computer networking, but what good is a bachelor's degree with a background like mine? I have applied for many positions, and been denied because of my discharge characterization. I feel as though people who live in

"real life" can understand what I went through as a young man, and can appreciate the fact that the lord did not let me take my life for a reason. I think that I am here so that I can become a better person, and help others understand about the seriousness of depression, and the seriousness of reaching out for help. I ask that whoever is reading this is blessed with an understanding that everyone is not perfect, and people do make mistakes. I hope that for my future sake that this situation can be resolved, and I can go back to the working society with pride. Minimum wage working for the church is no way to support my kid, and I am asking for forgiveness so that my daughter can have the things in life that she needs to be a better person than I, and so she can have the things in life that she requires.

God Bless,



FD 2004-00164



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

22 MAY 2003

MEMORANDUM FOR [REDACTED]

FROM: 37 MSS/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 could be characterized as Under Honorable Conditions (General) Discharge. I am recommending your service be characterized as Under Honorable Conditions (General).

2. My reason for this action is that you did, at or near San Antonio, Texas, between on or about 1 February 2003 and 26 February 2003, wrongfully use marijuana. For this misconduct, you received an Article 15, dated 25 Apr 03, and your punishment was reduction to the grade of E-3, with a new date of rank of 25 Apr 03.


3. Copies of the documents to be forward 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, and how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to counsel. Military Legal Counsel has been obtained for you. I have made an appointment for you to consult the Area Defense Counsel (ADC) at Building 1000, on 23 May 2003 at 0900 hours. You may consult civilian counsel at your own expense. If employed, civilian counsel must be readily available.

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 (3 workdays) 28 MAY 03, unless you 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 statement 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 Wilford Hall Medical Center, Family Medicine Clinic, on 27 May 03 at 1330 hours with your medical, immunization, and dental records for the examination.

8. You have been scheduled for a Transition Assistance Program (TAP) briefing. You must report to the Family Support Center, Bldg 1249, 1561 Stewart Street, on 23 May 03 at 0800 hours for an appointment with .

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 at the Commander's Support Staff.

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


Commander

Attachments:

1. AF Form 3070, dated 25 Apr 03 w/atchs
2. AF Form 1137, disposition date 29 Apr 04