

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
[REDACTED]		AB	[REDACTED]			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES    No		ADDRESS AND OR ORGANIZATION OF COUNSEL				
X						
MEMBER SITTING		<b>VOTE OF THE BOARD</b>				
		HON	GEN	UO/HC	OTHER	DENY
						X
						X
						X
ISSUES <b>A95.00</b>		INDEX NUMBER <b>A66.00</b>		<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		
HEARING DATE		CASE NUMBER				
<b>07 Oct 2004</b>		<b>FD-2004-00237</b>				
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						
<b>INDORSEMENT</b>		<b>DATE: 10/7/2004</b>				
<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				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00237**

**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 wrongful use of marijuana. 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.

**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 AB) (HGH A1C)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Mountain Home AFB, ID on 3 Jan 03 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 18 Feb 82. Enlmt Age: 19 2/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-77, E-66, G-72, M-44. PAFSC: 2A333B - Tactical Aircraft Maintenance Apprentice. DAS: 23 Apr 02.

b. Prior Sv: (1) AFRes 17 May 01 - 31 Jul 01 (2 months 15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 1 Aug 01 for 6 yrs. Svd: 1 Yrs 5 Mo 3 Das, all AMS.

b. Grade Status: AB - 26 Nov 02 (Article 15, 26 Nov 02)  
A1C - 14 Sep 01

c. Time Lost: None.

d. Art 15's: (1) 26 Nov 02, Mountain Home AFB, ID - Article 112a. You did, at or near Boise, Idaho, on or about 7 Sep 02, wrongfully use marijuana. Reduction to AB, and 45 days restriction. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFOUA.

i. Stmt of Sv: TMS: (1) Yrs (7) Mos (18) Das  
TAMS: (1) Yrs (5) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Jun 04  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

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ATCH  
None.

30JUL04/ia



DEPARTMENT OF THE AIR FORCE  
366TH FIGHTER WING (ACC)  
MOUNTAIN HOME AIR FORCE BASE, IDAHO

FD 2004-00237

16 DECEMBER 2002

MEMORANDUM FOR [REDACTED] 366 AMXS

FROM: 366 AMXS/CC

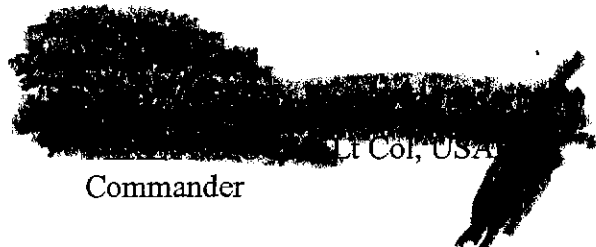
SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Drug Abuse. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.54. If my recommendation is approved, your service can be characterized as honorable or general. I am recommending your service be characterized as general.
2. My reasons for this action are, on or about 07 Sep 02, you wrongfully used marijuana. As a result, you received an Article 15, UCMJ, on 26 Nov 02. (Tab 1)
3. A copy of the document to be forwarded to the separation authority in support of this recommendation is attached. The commander exercising SPCM jurisdiction will decide whether you will be discharged or retained in the Air Force and, if you are 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 has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel, Building 512, 18 DECEMBER 2002 at 1030 hours at building 512. The number is 828-2675. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me NLT three workdays after receipt of this memorandum 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 statements on 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 Examination Section at the hospital on Mountain Home AFB on 17 DECEMBER 2002 at 0830 hours. The number is 828-7432. If you wear glasses, wear them to the scheduled 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 in your orderly room.

9. You will surrender your ID card, smart card, and Nations Bank government card to me immediately. Proceed with a copy of this letter to the Military Personnel Flight (MPF), Customer Service, Bldg 512, Mountain Home AFB no later than 17 DECEMBER 2002, where you will be issued a temporary ID card good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.

10. Proceed with a copy of this letter to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center no later than 17 DECEMBER 2002, where you will turn in your Mountain Home AFB vehicle sticker and your DoD vehicle decal. You will be issued a temporary permit good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle permit will be issued to you until the case is finalized.

11. Proceed with a copy of this letter to the Traffic Management Office (TMO) immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.

 Lt Col, USA  
Commander

Attachment:  
Article 15, dated 26 Nov 02