

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
NAME OF COUNSEL AND OR ORGANIZATION						
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A94.05	INDEX NUMBER A67.10	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 07 Oct 2004	CASE NUMBER FD-2004-00241					
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						
INDORSEMENT				DATE: 10/7/2004		
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			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2004-00241

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are denied.

ISSUE: Applicant does not contest his discharge. He states that he began hanging out with the wrong people and now wants to reenlist. The records indicated the 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 AMN)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Fairchild AFB, WA on 13 Mar 03 UP AFI 36-3208, para 5.54 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.
2. **BACKGROUND:**
- a. DOB: 18 Sep 82. Enlmt Age: 18 11/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-39, E-49, G-46, M-44. PAFSC: 5R031 - Chaplain Assistant Apprentice. DAS: 14 Apr 02.
- b. Prior Sv: (1) AFRes 23 Aug 01 - 2 Jan 02 (4 months 11 days) (Inactive).
3. **SERVICE UNDER REVIEW:**
- a. Enlisted as 3 Jan 02 for 4 yrs. Svd: 1 Yrs 2 Mo 11 Das, all AMS.
- b. Grade Status: AB - 25 Feb 03 (Article 15, 25 Feb 03)
 Amn - 8 Jul 02
- c. Time Lost: None.
- d. Art 15's: (1) 25 Feb 03, Fairchild AFB, WA - Article 112a. You, did, at or near Spokane County, WA, on or about 30 Nov 02, wrongfully use marijuana. Reduction to AB, forfeiture of \$575.00 pay, 30 days restriction, and 15 days extra duty. (No appeal) (No mitigation)
- e. Additional: None.
- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: NDSM, AFTR, BCSSB.
- i. Stmt of Sv: TMS: (1) Yrs (6) Mos (19) Das
 TAMS: (1) Yrs (2) Mos (11) Das
4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Jun 04.
 (Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

FD2004-00241

ATCH

1. Applicant's Issues.
2. Congressional Correspondence.
3. Four Character References.

10AUG/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: LETTERS FROM CONGRESSMAN [REDACTED]
- b. DOCUMENT 2: ATTORNEYS AT LAW [REDACTED]
- c. DOCUMENT 3: U.S. AIR FORCE SUPERVISOR, GRANDNOTED [REDACTED]

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.

SEE ATTACHED "STATEMENT OF MY CASE"
SEE ATTACHED LETTERS OF SUPPORT.

REQUEST CHANGE IN RE-ENLISTMENT CODE SO
I CAN RE-ENLIST TO HONORABLE.

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)

20040624

b.

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200	Naval Council of Personnel Boards Bldg. 36 - Washington Navy Yard 901 M Street, S.E. Washington, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (WPM-60) U.S. Coast Guard Headquarters Washington, DC 20593-0001

Sir or Madam,

Thank you for taking the time to review my discharge papers. I will greatly appreciate anything you can help me with in regards to getting back in the Air Force.

First off, I joined the USAF, January 2002 and was soon after based at Fairchild AFB, WA. While living at Fairchild I began learning what living away from home was like and as well what living in close quarters with other homesick dorm-mates was like. I loved the respect I got from being in the military, but I lacked to respect what the Air Force had done for me.

I began hanging out with the wrong people, most of which were already kicked out or people who just didn't care if they got kicked out, so I followed down the same road and ended up losing nearly everything I had; money, respect, a home etc...

I was kicked out over a year ago on the 13th of May, 2003. I stayed in Spokane after my discharge and lived with my now x-girlfriends family until I could get on my feet. It never happened though, bouncing from one odd-job to the next wasn't paying me or my girlfriend's bills so we shortly after broke up and I left town for Bellingham WA, where I could live with a friend from high school and once again attempt to make it in the civilian world, but once again that didn't happen and I moved home and am now a 21 almost 22 year old stuck working the same type of job I had in high school. I never thought my goals of having a military career would vanish so easily but so much has happened to me in this past year to give me that long awaited reality check that I needed.

In a way I am happy I was discharged, because going from high school to Air Force career was quite a transition that I was obviously not ready for and now that I have struggled on my own, attempting to make it on this planet of chaos, I have realized that I can't do it alone, I need to be part of a team or better yet a family where I can once again be completely happy and as well extremely proud.

I thank you again for at least considering me for re-enlistment.

Sincerely,

A large, dark, irregularly shaped redacted area covering the signature and name of the sender.



(PD2004-00241)
DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 92D AIR REFUELING WING (AMC)
FAIRCHILD AIR FORCE BASE WASHINGTON

MAR 10 2003

MEMORANDUM FOR [REDACTED]

FROM: 92 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for drug abuse in accordance with AFPD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I recommend your service be characterized as general.
2. My reasons for this action are:
 - a. You did, at or near Spokane County, Washington, on or about 30 Nov 02, wrongfully use marijuana. For this action, you received an Article 15 dated 25 Feb 03. The punishment included the reduction to the grade of AB.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction or a higher authority 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.
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 [REDACTED] Area Defense Counsel, 7-2918 for an appointment on 10 MAR 03 at 1000. You may consult 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 13 MAR/0900 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 in your own behalf, your failure will constitute a waiver of your right to do so.
7. You are scheduled for a medical examination with Family Practice on _____ at _____ hrs. Report 30 minutes prior to your appointment to Physical Exams to complete a DD form 2697. Ensure that you complete this form prior to your appointment. Complete all follow up appointments.
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 unit orderly room.

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



Col, USAF

Commander

Attachment:

Article 15 dated 25 Feb 03 (3 pages)