

**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		RECORD REVIEW		
X						
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		NAME OF ORGANIZATION OF COUNSEL		
YES		No		[REDACTED]		
X						
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD		
A95.00 A01.00		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				
18 Nov 2004		FD-2004-00322				
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., via video teleconference from Randolph AFB, Texas.						
Advise applicant of the decision of the Board and his right to submit an application to the AFBCMR.						
[REDACTED]						
INDORSEMENT				DATE: 11/21/2004		
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-2004-00322**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant appeared before the Discharge Review Board (DRB) at Washington D.C., via video teleconference from Randolph AFB, Texas.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge is denied.

The applicant submitted no issues contesting the equity or propriety of the discharge. Despite numerous efforts by the DRB during the applicant's personal appearance to have him articulate issues of impropriety or inequity in his administrative discharge, he was unable to do so. In fact, he admitted during questioning by the DRB that there were no inequities or improprieties in the handling of his involuntary separation from active duty. Therefore, the DRB finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety which would justify a change of discharge.

**CONCLUSIONS:** The DRB concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation, was within the discretion of the discharge authority, and that the applicant was provided substantial administrative due process.

In view of the foregoing findings, the DRB further concludes 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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Hill AFB, UT on 21 Nov 03 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 Dec 81. Enlmt Age: 19 0/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-90, E-90, G-78, M-92. PAFSC: 2A656 - Aircraft Electronic & Environment Systems Journeyman. DAS: 26 Feb 01.

b. Prior Sv: (1) AFRes 18 Jan 00 - 27 Jun 00 (5 months 10 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Jun 00 for 6 yrs. Svd: 3 Yrs 4 Mo 24 Das, all AMS.

b. Grade Status: AB - 15 Nov 03 (SPCMO No.2, 31 Jul 03)  
 SrA - 11 Dec 02  
 A1C - 11 Aug 00

c. Time Lost: 24 Jun 03 thru 4 Sep 03 (2 months 11 days).

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court-Martial Order No.2 - 31 Jul 03

CHARGE: Article 112a. Plea: Guilty. Finding: Guilty.

Specification: In that [REDACTED] 388<sup>th</sup> Aircraft Maintenance Squadron, Hill AFB, UT, did, at or near Ogden, Utah, between on or about 10 Jan 03 and on or about 11 Jan 03, wrongfully use methamphetamine. Sentence adjudged on 24 Jun 03: Forfeiture of \$767.00 pay per month for three months, three months confinement, and reduction to Airman Basic.

g. Record of SV: 28 Jun 00 - 15 Jan 02 Hill AFB 5 (HAF Dir)  
 16 Jan 02 - 15 Jan 03 Hill AFB 5 (Annual)

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

i. Stmt of Sv: TMS: (3) Yrs (7) Mos (23) Das  
 TAMS: (3) Yrs (2) Mos (14) Das

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

NO ISSUES SUBMITTED.

**ATCH**

1. Congressional Response.
2. Congressional Correspondence.
3. Character Reference.
4. Questionable Events.
5. Special Court-Martial Order No.2.
6. Two Enlisted Performance Reports.
7. Police Report.
8. Unsworn Statement.
9. Memorandum For 75 ABW/CC, Advice of the Staff Judge Advocate.
10. Report of Investigation.
11. Record of Trial.

13SEP04/ia



DEPARTMENT OF THE AIR FORCE  
388<sup>th</sup> AIRCRAFT MAINTENANCE SQUADRON (ACC)  
HILL AIR FORCE BASE UTAH

9 Sep 03

MEMORANDUM FOR [REDACTED]

FROM: CC

SUBJECT: Notification Letter

1. I am recommending you receive a general discharge from the United States Air Force under AFI 36-3208, paragraph 5.54, for drug abuse. If this discharge action is approved, your service will be characterized as honorable or general.
2. My reasons for this action are: You did, at or near Ogden, Utah, between on or about 10 Jan 03 and on or about 11 Jan 03, wrongfully use methamphetamine. For this misconduct, you were convicted by a special court-martial on 24 Jun 03, and sentenced to 3 months confinement, reduction to Airman Basic, and forfeiture of \$767.00 pay per month for 3 months. (Atch 1a)
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Special Court Martial Convening Authority or a higher authority will determine 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 with the Circuit Defense Counsel, [REDACTED] on 10 Sep 03 at 1100 hours. 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 12 Sep 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 statements in your own behalf, your failure will constitute a waiver of your right to do so.
7. You are required to attend a separation medical examination. Your First Sergeant will contact Force Health Management at 775-4514 to schedule an appointment.

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 the unit orderly room.



Commander

Attachments:

- 1a. SPCMO No. 2, 31 Jul 03
2. Airman's Receipt of Notification Letter