

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>		GRADE AB	AFSN/SSAN <div style="background-color: black; width: 100px; height: 15px;"></div>			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	X					
MEMBER SITTING <div style="border: 1px dashed black; width: 200px; height: 100px; margin: 10px 0;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
		X*				
		X*				
		X*				
		X*				
ISSUES A94.06	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 13 Dec 2004	CASE NUMBER FD-2004-00379					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard at Washington, D.C.</p> <p>* Misconduct - Minor Disciplinary Infractions</p> <p>Advise applicant of the decision of the Board.</p>						
INDORSEMENT			DATE: 12/14/2004			
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

CASE NUMBER

FD-2004-00379

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: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's discharge and reason and authority for discharge inequitable.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for inhaling the fumes of liquid butane. The Board found the applicant's explanation plausible and opined that he does not fit the "true" definition of drug abuser. Although inhaling liquid butane is still misconduct, the Board agreed that the characterization of the applicant's discharge should be changed to Honorable and the Reason and Authority changed to Misconduct – Minor Disciplinary Infractions.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Misconduct – Minor Disciplinary Infractions under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Carswell AFB, TX on 30 Jul 91 UP AFR 39-10, para 5.50.1 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Sep 71. Enlmt Age: 17 1/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-87, E-49, G-64, M-69. PAFSC: 46250 - Aircraft Armament Specialist. DAS: 30 Jan 90.

b. Prior Sv: (1) AFRes 17 Oct 88 - 2 Aug 89 (9 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Aug 89 for 4 yrs. Svd: 1 Yrs 11 Mo 28 Das, all AMS.

b. Grade Status: AB - 15 Jul 91 (Article 15, 15 Jul 91)
A1C - 3 Dec 90
Amn - 3 Feb 90

c. Time Lost: None.

d. Art 15's: (1) 15 Jul 91, Carswell AFB, TX - Article 134. You, did, on or about 17 Jun 91, inhale the fumes of liquid butane, a volatile substance, contrary to directions for use and warning appearing on the container label intending to create or induce a conditions of intoxication, hallucination or elation. Reduction to AB, and forfeiture of \$200.00 pay per month for 2 months. (Appeal/Withdrawn) (No mitigation)

e. Additional: Dishonored Check Notification, 28 NOV 90 - Check #207 for \$23.00

f. CM: None.

g. Record of SV: 3 Aug 89 - 2 Apr 91 Carswell AFB 4 (Initial)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (14) Das
TAMS: (1) Yrs (11) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Sep 04.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH BOMBARDMENT WING (SAC)
CARSWELL AIR FORCE BASE, TEXAS 76127-5000

FD2004-00379

19 Jul 91

REPLY TO
ATTN. OF:

7 Munitions Maintenance Squadron

SUBJECT:

Letter of Notification

TO:

7 Munitions Maintenance Squadron

1. I am recommending your discharge from the United States Air Force for Drug Abuse. The authority for this action is AFR 39-10, Section B, paragraph 5-50.1. If my recommendation is approved, your service will be characterized as general or honorable. I am recommending that your service be characterized as general.

2. My reasons and other pertinent information for this action are:

a. On 22 Nov 90, you wrote a check to the Carswell Air Force Base exchange for \$23.00, that was returned for nonsufficient funds.

b. On 20 Jun 91, you were permanently decertified from the Personnel Reliability Program for being identified as a substance abuser.

c. On 21 Jun 91, you were administered nonjudicial punishment for the inhalation of liquid butane. You were reduced to the grade of Airman Basic. This action was determined to be legally sufficient on 18 Jul 91.

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

3. 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] at 1430 hours on 22 Jul 91 at building 1564. You may consult civilian counsel at your own expense.


4. You have the right to submit statements in your own behalf. You have three (3) duty days to submit any statements you want the separation authority to consider; therefore, they must reach me by _____ unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a medical examination. You must report to the USAF Regional Hospital, Carswell Air Force Base at 0730 hours on 24 Jun 91.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the Unit Orderly Room.

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



4 Atch

1. Dishonored Ck Notif, 28 Nov 90
2. AF Fm 1738 w/1 atch, 20 Jun 91
3. AF Fm 3070 w/1 atch, 18 Jun 91
4. Receipt of Notif Ltr