

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						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <tr> <td style="width: 10%;">YES</td> <td style="width: 10%;">No</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL 	
COUNSEL									
YES	No								
	X								
<div style="border: 1px dashed black; width: 250px; height: 120px; margin-bottom: 5px;"></div> <div style="border: 1px dashed black; width: 250px; height: 120px; margin-bottom: 5px;"></div> <div style="border: 1px dashed black; width: 250px; height: 120px; margin-bottom: 5px;"></div> <div style="border: 1px dashed black; width: 250px; height: 120px; margin-bottom: 5px;"></div> <div style="border: 1px dashed black; width: 250px; height: 120px;"></div>		VOTE OF THE BOARD							
		HON	GEN	UOTHC	OTHER	DENY			
						X			
						X			
						X			
						X			
ISSUES A95.00		INDEX NUMBER A67.90							
		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 08 Dec 2004		CASE NUMBER FD-2004-00387							
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONAL									
<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="border: 1px dashed black; width: 700px; height: 40px; margin-top: 20px;"></div>									
INDORSEMENT									
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-2004-00387

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.

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 the applicant received two Article 15s, a Vacation action under the UCMJ and a Record of Individual Counseling for various misconduct, the worst being the wrongful use of marijuana. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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

[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Tinker AFB, OK on 15 Aug 00 UP AFI 36-3208, para 5.50.2 & 5.54 (Patter of Misconduct - Conduct Prejudicial to Good Order and Discipline & Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 Feb 79. Enlmt Age: 19 9/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-43, E-53, G-55, M-49. PAFSC: 2A631C - Aerospace Propulsion Apprentice. DAS: 20 Aug 99.

b. Prior Sv: (1) AFRes 25 Nov 98 - 16 Mar 99 (3 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Mar 99 for 6 yrs. Svd: 1 Yrs 5 Mo 0 Das, all AMS.

b. Grade Status: AB - 28 Jun 00 (Article 15, 28 Jun 00)
Amn - 4 Jan 00 (Vacation of Article 15, 16 Jun 00)
A1C - 14 May 99

c. Time Lost: None.

d. Art 15's: (1) 28 Jun 00, Tinker AFB, OK - Article 112a. You, did, at or near the Continental United States, from on or about 18 Apr 00 to on or about 19 May 00, wrongfully use marijuana. Reduction to AB, forfeiture of \$563.00 pay per month for two months, 21 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 16 Jun 00, Vacation, Tinker AFB, OK - Article 112a. You did, at or near the Continental United States, from on or about 18 Apr 00 to on or about 19 May 00 wrongfully use marijuana. Reduction to Airman, forfeiture of \$100.00 pay per month for two months. (No appeal) (No mitigation)

(3) 4 Jan 00, Tinker AFB, OK - Article 107. You did, on or about 9 Dec 99, with the intent to deceive make to the Security Forces Police, an official statement, to wit: you denied knowing the whereabouts of [REDACTED] having any conversation with him, or seeing him in the relatively recent past, which was totally false, and was then known by you to be so false. Suspended reduction to Airman. Suspended forfeiture of \$100.00 pay per month for two months. Fourteen days extra duty, and a

reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 18 FEB 00 - Missed appointment.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (8) Mos (22) Das
TAMS: (1) Yrs (5) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Sep 04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

6OCT04/ia



DEPARTMENT OF THE AIR FORCE
552d LOGISTICS GROUP (ACC)
TINKER AIR FORCE BASE OKLAHOMA

FD 2004-00387

27 July 2000

MEMORANDUM FOR [REDACTED]

FROM: 552 AGS/CC
Tinker AFB OK 73145

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.54, Drug Abuse, and paragraph 5.50.2, Conduct Prejudicial to Good Order and Discipline. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reason for this action under paragraph 5.54, Drug Abuse, is:

a. From on or about 18 Apr 00 to on or about 19 May 00, you wrongfully used marijuana. As a result, you received an Article 15, dated 28 Jun 00. Punishment was reduction to the grade of airman basic, effective 28 Jun 00, forfeiture of \$563 pay per month for two months, 21 days extra duty, and a reprimand. See Atch 1.

My reasons for this action under paragraph 5.50.2, Conduct Prejudicial to Good Order and Discipline are:

b. On or about 9 Dec 99, with intent to deceive, you made to the Security Forces Police, an official statement that was totally false, and was known by you to be false. As a result, you received an Article 15, dated 30 Dec 99. Punishment was reduction to the grade of airman (suspended to 3 Jul 00), forfeiture of \$100 pay per month for two months (suspended until 3 Jul 00), 14 days extra duty, and a reprimand. See Atch 2.

c. As a result of your using marijuana from on or about 18 Apr 00 to about 19 May 00, you received a Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dated 16 Jun 00. You were reduced to the grade of airman with forfeiture of \$100 pay per month for two months. See Atch 3.

d. On 16 Feb 00, you missed an appointment for a physical examination. As a result, you received a Record of Individual Counseling, dated 18 Feb 00. See Atch 4.

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 you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made arrangements for you to consult with [REDACTED]. You should report to the Area Defense Counsel Office located in Bldg 452, Tinker AFB, OK, on 28 July 2000, at 1500 hours. There you will contact [REDACTED] DSN 781-8355 for consultation. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 2 August 2000, 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 counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.
6. You were scheduled for a medical examination on 19 July 2000 at 1300 hours, and you should have reported to the Tinker AFB Hospital, Physical Exam Section, at 1230 on 19 July for the examination.
7. 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 orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
Commander, 552 AGS

Attachments:

1. Art 15, dtd 28 Jun 00
2. Art 15, dtd 4 Jan 00
3. Vacation of Suspended Punishment, dtd 16 Jun 00
3. RIC, dtd 18 Feb 00
- 4 Acknowledgment Ltr