

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 AMN	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 style="width: 10%;">COUNSEL</td> <td style="width: 90%;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td>YES</td> <td>No</td> </tr> <tr> <td></td> <td>X</td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	YES	No		X	ADDRESS AND OR ORGANIZATION OF COUNSEL	
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 A93.09 INDEX NUMBER A67.70		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 28 Apr 2005		CASE NUMBER FD-2004-00450							
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE									
<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> <p>Names and votes will be made available to the applicant at the applicant's request.</p>									
SIGNATURE OF BOARD PRESIDENT									
INDORSEMENT									
DATE: 4/28/2005									
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-2004-00450

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 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: Applicant does not contest his discharge. He states that he knew the rules and he is responsible for the bad choices he made. He also states that his performance in the Air Force was exemplary. The records indicated the applicant received an Article 15 for wrongfully using marijuana and while awaiting discharge, wrongfully used marijuana again and received a Special Court Martial in which he pled guilty and was found guilty. 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. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 AMN) (HGH A1C)

MISSING MILITARY PERSONNEL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Kirtland AFB, NM on 28 Sep 99. UP AFI 36-3208 (Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Jun 76. Enlmt Age: 20 1/12. Disch Age: 23 3/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: 6F031 - Financial Management Apprentice. DAS: o/a 2 Oct 96.

b. Prior Sv: (1) AFRes 9 Jul 96 - 1 Oct 96 (2 months 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 2 Oct 96 for 4 yrs. Svd: 2 Yrs 11 Mo 27 Das, all AMS.

b. Grade Status: Amn - 29 Jul 99 (SCMO#5, 29 Jul 99)

c. Time Lost: None.

d. Art 15's: (1) 5 Feb 99, Kirtland AFB, NM - Article 112a. You, did, on divers occasions between 13 Apr 98 and 13 May 98, wrongfully use marijuana. Fifteen days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: Special Court Martial No.5 - 29 Jul 99

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

Specification: Did, between on or about 26 Apr 99 and on or about 26 May 99, wrongfully use marijuana. Sentence adjudged on 14 Jul 99: Confinement for 4 months, to perform hard labor for 1 month upon release from confinement, forfeiture of \$300.00 pay per month for 4 months, reduction to airman, and a reprimand.

g. Record of SV: 2 Oct 96 - 1 Jun 98 Kirtland AFB 5 (Initial)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (20) Das
TAMS: (2) Yrs (11) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Oct 04.

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(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Enlisted Performance Report.
2. Certificate of Commendation.
3. Certificate of Training.
4. Certificate of Award.
5. Six Letters of Appreciation.
6. Letter of Appreciation.

25JAN05/ia

November 1, 2004

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Ste. 40
Randolph AFB, TX 78150-4742

Dear Sir or Madam:

My name is [REDACTED] I served on active duty in the United States Air Force from 1 October 1996 through 28 September 1999.

Let me begin by stating that I knew the rules and that I am responsible for the bad choices I made. I appreciate very much your allowing me to explain what was going on in my life that, while not justifying my behavior, did lead to my poor choices.

I was married shortly after graduating from high school, two years prior to joining the Air Force. Although my wife and I had our problems before the Air Force, they quickly multiplied once I received a permanent station at Kirkland Air Force Base. My wife and I both grew up in Oklahoma, where our families still live today. Perhaps the fact that we lived so far away from home is what started my wife's anger against the Air Force. Having no friends or company other than my own caused her to become very homesick and resentful. It was not long before she became verbally and even physically abusive. Please don't misunderstand me. I know it takes two to fight and I share the guilt. At this point I most certainly should have sought counsel. But I was too ashamed. I realized my marriage was failing, but pretended that everything was all right. I didn't want anyone to know that my home life was not going nearly as well as my career. As much as I loved being in the Air Force, my wife hated it! What was I to do? Obviously, I could not give a two-weeks notice. So, I was trapped, or at least this is how I felt. Pretending there wasn't a problem didn't make it go away. It just snowballed! And before I knew it I was drinking nearly every night to make myself numb. It was one of these dark, depressing nights that the initial violation occurred.

At this point I received an Article 15, which is generally followed by immediate discharge. However, due to my position in Customer Service and Military Pay, I was witness to an Airman impersonating a Non-Commissioned Officer. I was therefore placed on administrative hold pending Airman [REDACTED] Court Marshall. Unfortunately, this administrative hold was extended time and again, adding up to seven months of not knowing what tomorrow would hold. This only added to the stress on my family and my poor choices. Just writing about these dark times, reminds me of all the shame I felt.

Following my separation from the Air Force, I unsuccessfully spent the next year trying to put my marriage back together. We separated in September 2000 and were later divorced. Since that time, my personal as well as my professional life has been more than satisfactory. I have remarried and my wife and I have a wonderful relationship. I am currently the manager of a retail furniture store and my wife and I own a home just outside Denver. I very much want to complete my education, obtaining a degree in business. With two years of college prior to entering the Air Force, combined with the credits earned while serving, I am about at the halfway mark in achieving this goal. My wife and I hope to open our own business and start a family.

November 1, 2004

My performance in the Air Force, with the exception of these violations, was exemplary as evidenced by the attachments. I feel I have paid a heavy but just penalty for my mistakes. However, to carry the stigma of a less than Honorable Discharge for the rest of my life is a heavy burden for me and is of no benefit to the Air Force. Your favorable consideration in this matter will be deeply appreciated.

Sincerely,

