

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; height: 1.2em; width: 100%;"></div>	GRADE <div style="background-color: black; height: 1.2em; width: 100%;"></div>	AFSN/SSAN <div style="background-color: black; height: 1.2em; width: 100%;"></div>
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TYPE	UOTH	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No			
	X			

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X

ISSUES	A93.09	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	CASE NUMBER	
26 Apr 2005	FD-2004-00472	

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.

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

Names and votes will be made available to the applicant at the applicant's request.

SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT		DATE: 4/26/2005
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-2004-00472

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

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 feels that he still has something to offer his country and his family and by getting his discharge upgraded, he could pursue a more challenging career. The records indicated the applicant received a General Court Martial for using LSD. 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]  
[REDACTED]  
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr Little Rock AFB, AR on 9 Nov 00 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable or General Discharge.

2. **BACKGROUND:**

a. DOB: 9 Jun 79. Enlmt Age: 18 3/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-87, E-62, G-57, M-73. PAFSC: 3P031 - Security Forces Journeyman. DAS: 16 Aug 99.

b. Prior Sv: (1) AFRes 19 Sep 97 - 11 Aug 98 (10 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 12 Aug 98 for 6 yrs. Svd: 2 Yrs 2 Mo 29 Das, of Which AMS is 2 yrs 1 month 12 days (excludes 1 month 17 days lost time)

b. Grade Status: AB - 31 Mar 00 (GCMO No.29, 18 Sep 00)  
A1C - 14 Nov 98

c. Time Lost: 10 Jun 00 thru 27 Jul 00 (1 month 17 days).

d. Art 15's: None.

e. Additional: None.

f. CM: General Court Martial Order No.29 - 19 Sep 00

CHARGE: Article 112a. Plea: Not Guilty. Finding: Guilty.

Specification: Did, at or near Little Rock AFB, AR, on diverse occasions between on or about 5 May 99 and on or about 16 Jan 00, wrongfully use lysergic and diethylamide. Plea: Not Guilty. Finding: Guilty. Sentence adjudged on 10 Jun 00: To be reduced to AB, to forfeit all pay and allowances, and to serve two months confinement.

g. Record of SV: 12 Aug 98 - 11 Apr 00 Little Rock AFB 3 (Initial)REF

h. Awards & Decs: AFTR, SAEMR.

i. Stmt of Sv: TMS: (3) Yrs (0) Mos (4) Das  
TAMS: (2) Yrs (1) Mos (12) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Nov 04.  
(Change Discharge to Honorable or General)

Issue 1: I was charged with a crime, found guilty, and served two months confinement for that crime. Although my career in the military and everything I had to offer the Air Force was put to an end, I still feel I have something to offer my country and my family. I would like to persue a more challenging career at this time. By receiving the best discharge as possible it would better help me achieve my goals in becoming a fire fighter. By becoming a fire fighter I can show the world and myself that everything I have to offer was not waisted (sic) because of a mistake.

**ATCH**

None.

3FEB05/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 314TH AIRLIFT WING (AETC)  
LITTLE ROCK AIR FORCE BASE, ARKANSAS

16 Oct 00

MEMORANDUM FOR AB [REDACTED]

FROM: 314 SFS/CC

SUBJECT: Notification Memorandum - Board Hearing

1. You are hereby notified that I am recommending your discharge from the United States Air Force for Drug Abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, para 5.54. I am recommending that you be separated with an Under Other Than Honorable Conditions discharge (UOTHC). Copies of the documents to be forwarded to the Separation Authority in support of my recommendation are attached.

2. My reasons for this action are:

a. Between on or about between 05 May 1999 on or about 16 January 2000, you wrongfully used on divers occasions lysergic acid diethylamide (LSD), a controlled substance. For your actions, you were found guilty by General Court-Martial. (Atch 1-1)

3. This separation action could result in an Under Other Than Honorable Conditions Discharge (UOTHC). The commander exercising SPCM jurisdiction or higher will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces. Any special pay, bonuses or education assistance funds may be subject to recoupment.

4. You have the right to:

a. Consult legal counsel.

b. Present your case to an administrative discharge board.

c. Be represented by legal counsel at a board hearing.

d. Submit statements on your own behalf in addition to, or in lieu of, the board hearing.

e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to the USAF Hospital, Little Rock AFB AR, at 0745 hours on 17 October 2000.

6. Military legal counsel, Captain [REDACTED] Area Defense Counsel, Bldg 1255, Rm 201, extension [REDACTED] has been obtained to assist you. An appointment has been scheduled for you to consult him on 16 October 2000, at 1520 hours. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within seven (7) workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements on your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

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 Orderly Room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. The discharge board or the discharge authority will make the finding and recommendations required under 10 U.S.C. 2005(g), if necessary.

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

[REDACTED]  
[REDACTED] Major, USAF  
[REDACTED] Commander

Attachments:

- 1-1 Report Investigation, 00427D17- [REDACTED] 9 Mar 2000  
Report of Result of Trial, 10 Jun 2000
- 1-2 AF Form 2030, 26 Mar 1997 and 12 Aug 1998