

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

|   |          |  |   |
|---|----------|--|---|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)<br><div style="background-color: black; width: 100px; height: 15px;"></div> |          | GRADE<br><b>AB</b>                     | AFSN/SSAN<br><div style="background-color: black; width: 100px; height: 15px;"></div> |
| TYPE GEN  |          | PERSONAL APPEARANCE                    | <input checked="" type="checkbox"/> RECORD REVIEW                                     |
| COUNSEL   |          | ADDRESS AND OR ORGANIZATION OF COUNSEL |   |
| YES   | No       |  |   |
|   | <b>X</b> |  |   |

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

|                         |                               |                                 |  |
|-------------------------|-------------------------------|---------------------------------|--|
| ISSUES<br><b>A93.09</b> | INDEX NUMBER<br><b>A66.00</b> | 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<br><b>27 Apr 2005</b> | CASE NUMBER<br><b>FD-2004-00492</b> |  |  |
|------------------------------------|-------------------------------------|--|--|

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.

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|---|--|
| <b>INDORSEMENT</b>  | <b>DATE: 4/27/2005</b>   |
| TO:<br>SAF/MRBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742 | FROM:<br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3RD FLOOR<br>ANDREWS AFB, MD 20762-7002 |

## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2004-00492

**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 merely states that he made a juvenile mistake. The records indicated the applicant received an Article 15 for wrongfully using marijuana. 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

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 214.
3. Background Check.
4. Three Character References.

9FEB05/ia


November 30, 2004

To Whom It May Concern:

On 08 September 1999, I was discharged from the United States Air Force for failing a urinalysis. For my actions I received a General/Under Honorable Conditions discharge. At the time of my separation from the Air Force, I was 22 years old. In the almost four years I was in the military, I received an Air Force Achievement Medal, Air Force Outstanding Unit Award, Air Force Good Conduct Medal, and was the 1997 AFMC Optometry Technician of The Year. My early Air Force success prompted me to re-enlist early with the hope of a military career. I made an immature decision that I regret. I have taken responsibility for my actions and understand my punishment.

I am a good person who made a juvenile mistake. The attached reference letters briefly discuss my impact on the people with whom I interact. Please take them into consideration; I believe a great indicator of a person is how his peers view him. I have also included a copy of my police history. Please note that I have been an upstanding citizen free of a criminal record.

This is an important step for me to take to better myself and I ask for your help. I humbly request an upgrade from General/Under Honorable Conditions discharge to an Honorable discharge. With this upgrade I will be able to close this chapter in my life, and continue with the next. Thank you for your time and consideration of this matter.





**DEPARTMENT OF THE AIR FORCE**  
**HEADQUARTERS 55TH WING (ACC)**  
**OFFUTT AIR FORCE BASE, NEBRASKA**

MEMORANDUM FOR AB [REDACTED]

26 Aug 99

FROM: 55 AMDS/CC

SUBJECT: Letter of Notification

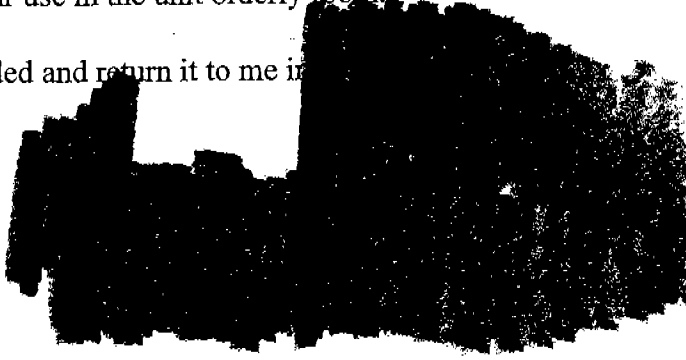
1. I am recommending your discharge from the United States Air Force for Misconduct--Drug Abuse. The authority for my recommendation is AFD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending a general discharge.
2. My reason for this action is: You did, at or near Omaha, NE, between on or about 1 June 1999 and on or about 30 June 1999, wrongfully use marijuana. For this incident you received nonjudicial punishment dated, 17 August 1999 consisting of, reduction to the grade of airman basic, with new date of rank of 17 August 1999. (Atch 1-1)
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably any other branch of the military.
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 Captain [REDACTED] Bldg 323C, RM 302, phone 4-3939, at 1030 on 26 Aug 99. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 31 Aug 99 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 on your own behalf, your failure will constitute a waiver of your right to do so.
7. You have been scheduled for a medical examination. You must report to the 55th Medical Group, Family Practice Section at 1100 on 27 Aug 99 for the examination.

8. You have been scheduled for an initial separation appointment. You must report to the 55th Mission Support Squadron, Separations and Retirements Section, Room 235, Bldg 323C, at 1400 on 26 Aug 99 with your escort.

9. You have been scheduled for a pre-separation briefing. You must report to the Family Support Center at \_\_\_\_\_ on \_\_\_\_\_ for the briefing.

10. 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.

11. Execute the acknowledgment provided and return it to me in



Attachments:

Atch 1-1; Nonjudicial punishment, 16 Aug 99