

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

INITIAL)		PERSONNEL				
TYPE GEN		PERSONAL APPEARANCE	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 A94.53		INDEX NUMBER A93.17		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	
HEARING DATE 14 Jun 2005		CASE NUMBER FD-2004-00495		TAPE RECORDING OF PERSONAL APPEARANCE		
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>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>						
INDORSEMENT			DATE: 6/21/2005			
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-2004-00495
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>ISSUE: The records indicated the applicant was discharged with a general discharge for misconduct, specifically, drug abuse. The records reflect the member received two Article 15s, one Letter of Reprimand, and four Letters of Counseling. 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.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

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

[REDACTED]
(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Holloman AFB, AZ on 28 Feb 03 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 5 Nov 81. Enlmt Age: 18 4/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-42, E-50, G-36, M-45. PAFSC: 3M031 - Services Apprentice. DAS: 25 Jan 01.

b. Prior Sv: (1) AFRes 22 Mar 00 - 18 Apr 00 (28 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Apr 00 for 6 yrs. Svd: 02 Yrs 10 Mo 10 Das, all AMS.

b. Grade Status: AB - 17 Jan 03 (Art 15, 17 Jan 03)
SrA - 02 Oct 02
A1C - 02 Jun 00
AB - 19 Apr 00

c. Time Lost: None.

d. Art 15's: (1) 17 Jan 03, Holloman AFB - Article 112a. You did, at or near Alamogordo, NM, on or about 18 Dec 02, wrongfully use marijuana. Reduction to the grade of AB. Reprimand. (Appeal/Denied) (No mitigation)

(2) 30 Dec 02, Holloman AFB - Article 134. You did, at or near Southwest Asia, between on or about 24 Jun 02 and on or about 23 Aug 02, make and utter 12 checks for a total of \$1130.00 for the purchase of a certain thing, in payment of a debt, or for a certain purpose, and did thereafter dishonorably fail to place or maintain sufficient funds in the Armed Services Bank for payment of such checks in full upon presentment for payment. Suspended reduction to A1C, forfeiture of 300.00 pay, 30 days extra duty and Reprimand. (No appeal) (No mitigation)

e. Additional: LOC - 18 Oct 02 - Late for duty.
LOC - 22 Jul 02 - Late for duty.
LOC - 10 Jul 02 - Late for duty.
LOR - 07 Jan 02 - Financial irresponsibility.
LOC - 12 Feb 01 - Late for duty.

f. CM: None.

g. Record of SV: 19 Apr 00 - 19 Dec 01 Holloman AFB 5 (Initial)
20 Dec 01 - 19 Dec 02 Holloman AFB 2 (Annual) REF

h. Awards & Decs: AFTR, NDSM

i. Stmt of Sv: TMS: (02) Yrs (11) Mos (06) Das
TAMS: (02) Yrs (10) Mos (10) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 11 Dec 04.
(Change Discharge to Honorable)

Issue 1: NO ISSUES SUBMITTED.

Atch
None.

10FEB05/day_____



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 49TH FIGHTER WING (ACC)
HOLLOMAN AIR FORCE BASE, NEW MEXICO

FD 2004- 00495

12 FEB 2003

MEMORANDUM FOR AB [REDACTED]

FROM: 49 SVS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Drug Abuse. The authority for this action is AFI 36-3208, *Administrative Separation of Airmen*, Section 5H, paragraph 5.54. If my recommendation is approved, you will receive an honorable or an under honorable conditions (general) service characterization. I am recommending that you receive an under honorable conditions (general) service characterization.
2. My reasons for this action are as follows: You did, at or near Alamogordo, NM, on or about 18 December 2002, wrongfully use marijuana. (Atch 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 and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force, will probably be denied enlistment in any component of the armed forces, and any special pay, bonus, or education assistance funds may be subjected to recoupment.
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 Major [REDACTED] Area Defense Counsel, Building 222, Holloman AFB, phone 3473, at 1330 hours on 12 Feb 03 February 2003. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 14 Feb 03 unless you request and receive an extension for good cause shown. I will forward your statements to the separation authority.
6. 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.
7. You have been scheduled for a medical examination. You must report to Family Practice Clinic, Bldg 15, at 1115 hours on 12 February 2003 for the examination.
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 office of the Area Defense Counsel.

PD2004-00
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9. You must execute the attached receipt and return it to me immediately. This receipt does not admit or deny any of the allegations against you, nor does it mean that you agree with the discharge action. It is simply an acknowledgment that you have received this Letter of Notification.



Lt Col, USAF

Commander

Attachments:

1. Article 15, 17 January 2003
2. Article 15, 30 December 2001/2
3. Record of Individual Counseling, 12 February 2001
4. Letter of Reprimand, 7 January 2002
4. Letter of Counseling, 10 July 2002
5. Letter of Counseling, 22 July 2002
6. Letter of Counseling, 18 October 2002