

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██	GRADE AB	AFSN/SSAN ██
--	--------------------	--

TYPE GEN	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
					X

ISSUES A93.01 A92.01 A92.03 A92.19	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
		TAPE RECORDING OF PERSONAL APPEARANCE

HEARING DATE 14 Jun 2005	CASE NUMBER FD-2004-00503	
------------------------------------	-------------------------------------	--

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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.

NAME AND TITLE OF BOARD MEMBER	SIGNATURE OF BOARD MEMBER
	<i>[Signature]</i>

INDORSEMENT		DATE: 6/22/2005
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-2004-00503

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are 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.

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was one isolated incident of immaturity and personal stress related to a new marriage and parental responsibilities. 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 Board noted he was essentially the same age as other airmen who complete their enlistments without disciplinary infractions, and there was no evidence he did not know right from wrong. Additionally, the Board noted the applicant had recently re-enlisted when his misconduct occurred. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. 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, decorations, 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

(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Griffiss AFB, NY on 29 Apr 94 UP AFR 39-10, para 5-51 (Misconduct - Drug Abuse). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 4 Oct 70. Enlmt Age: 18 10/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-58, E-79, G-80, M-87. PAFSC: 2A753 - Aircraft Structural Maintenance Journeyman. DAS: 30 Dec 93.

b. Prior Sv: (1) AFRes 31 Aug 89 - 27 Dec 89 (2 months 27 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Dec 89 for 4 yrs. Svd: 4 Yrs 4 Mo 3 Das, all AMS.

b. Grade Status: AB - 11 Apr 94 (Article 15, 11 Apr 94).
SrA - 28 Dec 92.
AlC-(EPR Indicates): 28 Dec 89-27 Aug 91.
Amn - Unknown.

c. Time Lost: None.

d. Art 15's: (1) 11 Apr 94, Griffiss AFB, NY - Article 112a. You, did, in the continental limits of the United States, between about 8 Feb 94 and 10 Mar 94, wrongfully use marijuana. Reduction to AB. (Appeal/Withdrawn)(No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 28 Dec 89 - 27 Aug 91 Elmendorf AFB 5 (Initial)
28 Aug 91 - 27 Aug 92 Elmendorf AFB 4 (Annual)
28 Aug 92 - 27 Aug 93 Elmendorf AFB 3 (Annual)

h. Awards & Decs: AFGCM, NDSM, AFOSLTR, AFLSAR, AFTR.

i. Stmt of Sv: TMS: (4) Yrs (8) Mos (0) Das
TAMS: (4) Yrs (4) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Dec 04.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority

for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Response to Notification of Administrative Discharge Action.
4. Six Character References.
5. Two Training Certificates.
6. Air Force Opportunities Email.

16FEB05/ia

14. CONTINUATION OF ITEM 6, ISSUES (If applicable)

A choice made out of irresponsibility in fifty-two months of serving my country with pride and dignity. 2) My average conduct and efficiency ratings/behavior and proficiency marks were good. I was an Honor Graduate, having the highest marks in both of my technical school classes and was an above average Airman as my character references state. 3) I recieved awards and decorations. Honor Graduate Badge, Golden Bolt Award, AF Good Conduct Medal, National Defense Service Medal, AF Overseas Long Term Ribbon, AF Longevity Service Award Ribbon, and AF Training Ribbon. 4) My record of promotions showed I was generally a good service member. I was never held back ro promotions and was recommended for SrA below the zone. 5) There were other acts of merit. I volunteered for the Winter Special Olympics in Alaska. I volunteered to serve in the Gulf War. 6) Had I been given the opportunity for counseling so that I could have continued active duty service, I would have willingly accepted. If this was offered it was beyond my understanding.

In conclusion I am asking for leniency on this matter. I request the upgrade of my discharge to Honorable, change of narrative reason, and a reenlistment code to RE1 or to reflect my ability to reenlist. Thank you.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

16. REMARKS (If applicable)

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

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

COAST GUARD

U.S. Coast Guard
Commandant (G-WPM)
2100 Second Street, S.W. Room 5500
Washington, DC 20593

FD 2004-00503



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 416TH LOGISTICS GROUP (ACC)
GRIFFISS AIR FORCE BASE, NEW YORK

MEMORANDUM FOR AB [REDACTED]

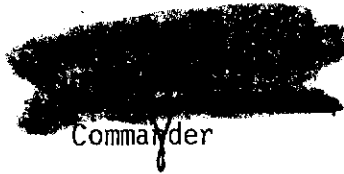
19 APR 1994

FROM: 416 MS/CC

SUBJ: Letter of Notification - Discharge Under the Provisions of AFR 39-10

1. I am recommending your discharge from the United States Air Force for misconduct - drug abuse. The authority for this action is AFR 39-10, under the provisions of paragraph 5-51. If my recommendation is approved, your service will be characterized as under other than honorable conditions or general. I am recommending that your service be characterized as general.
 2. My reason for this action is: The administrative determination that you, did, in or near the continental United States, between about 8 February 1994 and 10 March 1994, wrongfully use marijuana. As a result, you received nonjudicial punishment under Article 15, UCMJ, dated 11 April 1994, consisting of reduction to the grade of Airman Basic effective 11 April 1994. (Atch 1a)
- 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 in the Air Force.
3. 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 [REDACTED], Area Defense Counsel, on 19 April 1994 at 1500 hours. You may consult civilian counsel at your own expense.
 4. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 0900 hrs 22 April 1994, unless you request and receive an extension for good cause shown. I will send them to the separation authority.
 5. You have been scheduled for a physical examination. You should report to the Griffiss AFB Hospital, physical exams section at 0645 hours on 8 April 1994 for the examination. Uniform of the day is required. Also, you must report to the physical exams section ASAP for an HIV test.
 6. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use at the 416th MS Orderly Room.

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



Lt Col, USAF

Commander

Attachments:

1. Supporting documents for the reason for discharge:
 - a. AF Fm 3070, 11 Apr 94
2. Amn's Acknowledgment of LON