

AIR FORCE DISCHARGE REVIEW BOARD

(INITIAL)

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
ISSUES A93.17 A93.01		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		
HEARING DATE 17 Aug 2005		CASE NUMBER FD-2005-00041					
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>							
INDORSEMENT			DATE: 8/19/2005				
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-2005-00041
<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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.</p> <p>ISSUE: The records indicated the applicant received an Article 15 for wrongfully inhaling an aerosol product, specifically, Endust for Electronics, with the intent to become intoxicated. The DRB recognized the applicant was 23 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.</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**

(Former A1C) (HGH SrA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Malmstrom AFB, MT on 20 May 04 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 12 Aug 80. Enlmt Age: 18 1/12. Disch Age: 23 9/12. Educ: HS DIPL. AFQT: N/A. A-28, E-33, G-44, M-39. PAFSC: 3P051 - Security Forces Journeyman. DAS: 9 Dec 03.

b. Prior Sv: (1) AFRes 29 Sep 98 - 26 Jan 99 (3 months 28 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 27 Jan 99 for 6 yrs. Svd: 5 Yrs 3 Mo 24 Das, all AMS.

b. Grade Status: A1C - 22 Apr 04 (Article 15, 22 Apr 04)
SrA - 12 Jul 01
A1C - 12 Mar 99

c. Time Lost: None.

d. Art 15's: (1) 22 Apr 04, Kunsan AB, Korea - Article 134. You, did, on or about 27 Mar 04, wrongfully inhale an aerosol product, to wit: Endust for Electronics, with the intent to become intoxicated, which conduct under the circumstances was to the prejudice of good order and discipline in the armed forces. You, were, on or about 27 Mar 04, disorderly, which conduct was of a nature to bring discredit upon the armed forces. Reduction to A1C, 14 days restriction, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV:	27 Jan 99 - 26 Sep 00	RAF Lakenheath	4	(Initial)
	27 Sep 00 - 01 Jun 01	RAF Lakenheath	4	(CRO)
	02 Jun 01 - 01 Jun 02	Malmstrom AFB	3	(Annual)
	02 Jun 02 - 01 Jun 03	Malmstrom AFB	5	(Annual)

h. Awards & Decs: AFOUA W/1 OLC, NDSM, AFEM, AFLSAR, NCOPMER, SAEMR, AFTR, NATOM, KDSM, AFOSSTR, AFOSLTR, AFGCM.

i. Stmt of Sv: TMS: (5) Yrs (7) Mos (22) Das
TAMS: (5) Yrs (3) Mos (24) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Jan 05.
(Change Discharge to Honorable)

Issue 1: First I would like to apologize for my actions. I am very ashamed of how I was seperated (sic) from the Air Force. Never again will I put myself in a situation and fall under peer pressure. I have learned from this incident that simple life decisions can affect a lifetime of accomplishments. Again, I apoligize and I can assure you that I will never make the mistake again. I am still very proud of the time I served in the military and the many things I have seen and accomplished while in active duty. I am also thankfull (sic) because the Air Force has taught me how to become a mature responsible adult. I am asking that you review my records and see that over 5 years, 3 months, and 24 days of Honorable service outweighs one mistake, a mistake that I will regret for the rest of my life and has learned from.

Please change my discharge into a Honorable one. I never once intended not to do my duties and leave the Air Force without a Honorable discharge. Thank you for your time.

ATCH

None.

7APR05/ia



DEPARTMENT OF THE AIR FORCE
8TH SECURITY FORCES SQUADRON
KUNSAN AIR BASE 96264

FD2005-00041

05 MAY 2004

MEMORANDUM FOR [REDACTED]

FROM: 8 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Drug Abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as General.

2. My reason for this action is:

On 27 March 2004, you wrongfully inhaled Endust for Electronics, with the intent to become intoxicated. For this action you were given an Article 15. (Atch 1)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the United States 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 and any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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] at Ramstein Air Base, on 6 May 04, at 0800 hours. 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 10 May 04 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 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 the 8th Medical Group, Bldg 405 on 5 May 04, at 1700 hours 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 at 8 SFS orderly room.

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

A large, dark, irregular blacked-out area representing a redacted signature.

Lt Col, USAF
Commander

Attachments:

1. AF Form 3070 (Art 15), dtd 22 Apr 04
2. Receipt of Notification Memorandum