

DISCHARGE REVIEW BOARD HEARING RECORD

(INITIAL)

TYPE	GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

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

ISSUES	A94.53 A66.00	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
				TAPE RECORDING OF PERSONAL APPEARANCE

HEARING DATE	CASE NUMBER
17 Aug 2005	FD-2005-00043

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.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

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-2005-00043

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 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.

ISSUE: The records indicated the applicant received an Article 15 for wrongful use of marijuana. The Board noted the applicant was age 21 when his misconduct occurred, 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. The Board further 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

(Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Tyndall AFB, FL on 23 Jan 04 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 22 May 82. Enlmt Age: 18 11/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-68, E-86, G-76, M-81. PAFSC: 2A333A - F-15 Aircraft Maintenance Apprentice. DAS: 23 Jan 02.

b. Prior Sv: (1) AFRes 25 Apr 01 - 01 May 01 (6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 May 01 for 6 years. Svd: 02 Yrs 08 Mo 22 Das, of which AMS is 02 Yrs 08 Mo 18 Das (ex. 4 Das lost time).

b. Grade Status: AMN - 22 Dec 03 (Article 15, 22 Dec 03)
SRA - 19 Oct 03
A1C - 15 Jun 01

c. Time Lost: 7 Dec 03 - 10 Dec 03, 4 Days.

d. Art 15's: (1) 22 Dec 03, Tyndall AFB, FL, Article 112a. You did, at or near Panama City, FL, between on or about 24 Oct 03 and on or about 24 Nov 03, wrongfully use marijuana. Reduction to Amn and 45 days extra duty. Suspended forfeiture of \$200.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: NONE.

f. CM: None.

g. Record of SV: 02 May 01 - 02 Jan 03 Tyndall AFB 4 (Initial)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (08) Mos (24) Das
TAMS: (02) Yrs (08) Mos (18) Das

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

Issue 1: NO ISSUES SUBMITTED.

ATCH
NONE.

8MAR05/day



DEPARTMENT OF THE AIR FORCE
325TH AIRCRAFT MAINTENANCE SQUADRON
TYNDALL AFB, FLORIDA

FD 2005-00043

9 JAN 2004

MEMORANDUM FOR AIRMAN [REDACTED]

FROM: 325 AMXS/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 AFD 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 an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. As evidenced by an Article 15, dated 22 December 2003, you, did, at or near Panama City, Florida, between on or about 24 October 2003 and on or about 24 November 2003, wrongfully use marijuana. (ATCH 1a)

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.

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] at 903 Beacon Beach Rd, Building 1287, on _____, at _____ 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 14 Jan 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 Public Health, Building 1311 on _____, at _____ hours for the examination.

8. You have been scheduled for a separations briefing. You must report to 325 MSS/DPMAR (Separations) at _____ on _____.

9. 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 <http://www.e-publishing.af.mil/pubfiles/af/36/afi36-3208/afi36-3208.pdf>.

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

A large, dark, irregular redaction covers the signature area of the document.

Maj, USAF

Commander

Attachments:

- 1a. Article 15 dated 22 Dec 03
2. Receipt of Notification Memorandum