

INITIAL)

Previous edition will be used

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	<b>CASE NUMBER</b> <b>FD-2005-00044</b>
<p><b>GENERAL:</b> 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><b>FINDINGS:</b> 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><b>ISSUE:</b> Applicant contends discharge was inequitable because his ability to serve was impaired due to marital and family problems. The applicant received a general discharge for misconduct, specifically, drug abuse and minor disciplinary infractions. His misconduct included numerous missed appointments, failure to go, financial irresponsibility and finally, a positive urinalysis. The member received a Letter of Reprimand, a Letter of Counseling, counseling from the base financial advisor, and numerous verbal counselings from his supervisor, first sergeant and commander. 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><b>CONCLUSIONS:</b> 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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Charleston AFB, SC on 20 May 93 UP AFR 39-10 para 5-51 and 5-46 (Misconduct - Drug Abuse and Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 21 Aug 68. Enlmt Age: 17 6/12. Disch Age: 24 8/12. Educ: HS DIPL. AFQT: N/A. A-45, E-65, G-59, M-78. PAFSC: 81152 - Law Enforcement Specialist. DAS: 4 Aug 90.

b. Prior Sv: (1) ARNG 11 Mar 86 - 02 Mar 89. Svd: 2 yrs 11 months 21 days, of which AMS is 3 months 5 days. Promotions and performance reports unavailable.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 3 Mar 89 for 4 yrs. Extended on 11 Apr 90 for 17 months. Svd: 04 Yrs 02 Mo 18 Das, all AMS.

b. Grade Status: SrA - 28 Nov 91  
Amn - 03 Jan 90

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LTR, 10 MAR 93 - Missed Dental Appointment.  
LTR, 02 FEB 93 - Failure to pay just Debit.  
LTR, 22 JAN 93 - Test Results Report - Positive for Drugs.  
LOR, 21 JAN 93 - Failure to keep appointment w/First Sgt.  
DCN, 30 DEC 92 - Dishonored Check Notice from AAFES.  
LOC, 08 JUN 92 - Failure to Go to an Appointment w/Cmdr and late for rescheduled appointment.  
LOR, 20 MAR 92 - Financial Irresponsibility.

f. CM: None.

g. Record of SV: 03 Mar 89 - 10 Jun 90 Bergstrom AFB 3 (CRO)  
11 Jun 90 - 01 Dec 90 Howard AFB 3 (Initial)  
02 Dec 90 - 01 Dec 91 Howard AFB 3 (Annual)  
02 Dec 91 - 29 Sep 92 Howard AFB 3 (CRO)

h. Awards & Decs: AFOUA, AFGCM, NDSM, AFLSA, AFTR.

i. Stmt of Sv: TMS: (07) Yrs (02) Mos (10) Das

TAMS: (04) Yrs (05) Mos (21) Das

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

Issue 1: My ability to serve was impaired because of marital and family problems.

ATCH

None.

9MAR05/day

DEPARTMENT OF THE AIR FORCE  
24TH SECURITY POLICE SQUADRON (ACC)  
HOWARD AFB, PANAMA

FROM: CC

10 MAR 1993

SUBJ: Notification Letter - Board Hearing

TO: SrA [REDACTED], FR [REDACTED]  
24th Security Police Squadron (ACC)  
Howard AFB, Panama

1. I am recommending your discharge from the United States Air Force for Drug Abuse and Minor Disciplinary Infractions according to AFR 39-10, under the provisions of paragraphs 5-51 and 5-46. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. Between on or about 11 Nov 92 and on or about 11 Dec 92 you wrongfully used morphine and codeine, both controlled substances.

b. Failure to pay a just debt as evidenced by a letter from ITT Financial Services dated 2 Feb 93.

c. Failure to go to an appointment with the first sergeant on 20 Jan 93.

d. An insufficient fund check returned on your account on 30 Dec 92 to AAFES in the amount of \$200.00.

e. Failure to go to an appointment with your squadron section commander on 4 Jun 92 and being late for a rescheduled appointment with him on 5 Jun 92.

f. Failure to maintain sufficient funds in your checking account to cover \$525.49 worth of checks you wrote to AAFES.

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive a general (under honorable conditions) discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

a. Consult legal counsel.

b. Present your case to an administrative discharge board.

c. Be represented by legal counsel at a board hearing.

GOVERNMENT EX 2 FOR ~~ID~~

GOV EX 2  
OFFERED: PG: 1  
ADMITTED: PG: 1

Weird  
dates

LOR  
2100W

LOC  
800W

LOR  
20 MAR 93

- d. Submit statements in your behalf in addition to, or in lieu of, the board hearing.
  - e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.
5. You have been scheduled for a medical examination. You must report to the Howard AFB Medical Clinic at 0715 hrs 11 March 1993.
  6. Military legal counsel, Capt [REDACTED], Bldg. 812, Albrook AFS, Panama, phone 285-4198, has been obtained to assist you. An appointment has been scheduled for you to consult him on 19 March 1993 at 1300 hrs. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.
  7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to a board hearing.
  8. 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 Area Defense Counsel office, Bldg. 812, Albrook AFS, Panama.
  9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED] Colonel, USAF  
Commander

- 7 Atch
1. Test Results Report dtd 22 Jan 93 W/ATCHS
  2. ITT Financial Services ltr dtd 2 Feb 93 W/ATCH
  3. LOR dtd 21 Jan 93
  4. Dishonored Check Notice dtd 30 Dec 92
  5. LOC dtd 8 Jun 92
  6. LOR dtd 20 Mar 92 W/ATCHS
  7. Airman's Acknowledgment