

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																
<table border="1"> <tr> <th colspan="2">COUNSEL</th> <th rowspan="2">NAME OF COUNSEL AND OR ORGANIZATION</th> <th colspan="3" rowspan="2">ADDRESS AND OR ORGANIZATION OF COUNSEL</th> </tr> <tr> <th>YES</th> <th>No</th> </tr> <tr> <td></td> <td>X</td> <td></td> <td colspan="3"></td> </tr> </table>		COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL			YES	No		X								
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MEMBER SITTING		VOTE OF THE BOARD																	
		HON	GEN	UOTHC	OTHER	DENY													
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ISSUES A66.00	INDEX NUMBER A94.05	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 07 Apr 2005	CASE NUMBER FD-2005-00050																		
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>																			
<div style="border: 1px solid black; height: 30px; width: 100%;"></div>																			
INDORSEMENT		DATE: 4/8/2005																	
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

FD-2005-00050

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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE: Applicant does not contest his discharge. He states that his post-service, i.e. no trouble with the law, married, has a steady job and finished college has improved his life and believes an upgrade to Honorable would help him to further his goal of improvement. 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 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 AB) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Eglin AFB, FL, on 29 Oct 99 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 13 Aug 70. Enlmt Age: 25 2/12. Disch Age: 29 2/12. Educ: HS DIPL. AFQT: N/A. A-45, E-72, G-57, M-83. PAFSC: 2A351A - F-15/F-111 Avionics Systems Journeyman. DAS: 19 Oct 96.

b. Prior Sv: (1) AFRes 26 Oct 95 - 13 Feb 96 (3 mos 19 das) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as A1C 14 Feb 96 for 4 years. Svd: 03 Yrs 08 Mo 16 Das, all AMS.

b. Grade Status: AB - 08 Sep 99 (Article 15, 8 Sep 99)
SrA - 14 Jun 98

c. Time Lost: None.

d. Art 15's: (1) 8 Sep 99, Eglin AFB, FL, Article 112a. You did, within the continental US, on divers occasions between 1 Dec 98 and 28 Jun 99, wrongfully use marijuana. Reduction to AB. Forfeiture of \$479.00 pay per month for 2 months. Restriction to Base for 45 days and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 14 Feb 96 - 15 Jul 97 Eglin AFB 4 (HAF DIR)
16 Jul 97 - 15 Jul 98 Eglin AFB 4 (Annual)
16 Jul 98 - 12 Sep 99 Eglin AFB 1 (Annual) **REF**

h. Awards & Decs: AFTR, AFEM, AFOUA W/1 BOLC, AFGCM.

i. Stmt of Sv: TMS: (04) Yrs (00) Mos (03) Das
TAMS: (03) Yrs (08) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 15 Dec 04.

(Change Discharge to Honorable.)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Copy DD Form 214.
3. Letter for North Carolina VA District Officer.

9MAR05/day

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)



WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

IN 1999 I RECEIVED A GENERAL DISCHARGE UNDER HONORABLE CONDITIONS FOR SMOKING MARIJUANA. SINCE THAT TIME I HAVE HAD NO TROUBLE WITH THE LAW, HAVE GOTTEN MARRIED AND HAD STEADY EMPLOYMENT. I HAVE A COLLEGE DEGREE.

I WOULD LIKE TO CONTINUE IMPROVING MY LIFE AND EMPLOYMENT AND BELIEVE HAVING MY CHARACTER OF DISCHARGE UPGRADED TO HONORABLE WOULD HELP IN THIS GOAL.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

12/15/2004

b. SIGNATURE

[Redacted Signature]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200	Naval Council of Personnel Boards Bldg. 36 - Washington Navy Yard 901 M Street, S.E. Washington, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (WPM-60) U.S. Coast Guard Headquarters Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 33D FIGHTER WING (ACC)
EGLIN AIR FORCE BASE, FLORIDA

MEMORANDUM FOR AB [REDACTED]
58 FS (ACC)

20 Oct 99

FROM: 58 FS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically, Drug Abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.54. If my recommendation is approved, your service will be characterized as honorable, general or under other than honorable conditions. I am recommending that your service be characterized as general.
2. My reason for this action is:
 - a. Between on or about 1 Dec 9⁸ and 28 Jun 99, on divers occasions, you wrongfully used marijuana. For these incidents you received an Article 15 dated 8 Sep 99. Your punishment consisted of reduction to the grade of Airman Basic with a new date of rank of 8 Sep 99, forfeiture of \$479.00 pay per month for two months, restriction to Eglin Air Force Base, Florida for 45 days and 45 days extra duty.
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 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. Special pay, bonuses, or education assistance funds may be subject to recoupment.
4. Military legal counsel, Capt [REDACTED] Wright-Patterson AFB, OH, DSN 787-7841, has been obtained to assist you, please contact him. 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 AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel at your own expense. Civilian counsel, if employed, must be readily available.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination with the 96th Medical Group on **21 Oct 99 at 0715 hours**.

8. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on **20 Oct 99 at 1330 hours**. You will need to report to TMO immediately after your separations briefing.

9. You are required to receive a briefing from the Family Support Center prior to your separation. You received your Transition Assistance Management Program (TAMP) briefing on **12 Oct 99**.

10. 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 your unit orderly room.

 1Lt, USAF
Squadron Section Commander, 58 FS

2 Attachments:

1. Supporting Documents
 - 1a. Article 15 dated 8 Sep 99
 - 1b. AF Form 2030
 - 1c. Other Derogatory Data
2. Airman's Acknowledgment