

AIR FORCE 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	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES	A93.17 A94.05	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-2005-00058

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.

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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00058

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.

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh and based on an isolated incident. The records indicated the applicant received an Article 15 for wrongful use of 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.

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, letters of recommendation 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 SRA) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Moody AFB, GA on 4 Jun 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Jun 77. Enlmt Age: 19 3/12. Disch Age: 24 11/12. Educ: HS DIPL. AFQT: N/A. A-40, E-28, G-52, M-35. PAFSC: 2S051 - Supply Management Journeyman. DAS: 28 Sep 00.

b. Prior Sv: (1) AFRes 9 Oct 96 - 16 Oct 96 (8 days) (Inactive).

(2) Enlisted as AB 17 Oct 96 for 4 yrs. Svd: 3 yrs 11 months 22 days, all AMS. Amn - 17 Apr 97. A1C - 17 Feb 98. SrA - 17 Oct 99. EPRs: 4,5,5.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as SrA 10 Oct 00 for 4 yrs. Svd: 1 Yrs 7 Mo 25 Das, all AMS.

b. Grade Status: SrA - 3 May 02 (Article 15, 3 May 02)
SSgt - 1 Feb 02

c. Time Lost: None.

d. Art 15's: (1) 3 May 02, Moody AFB, GA - Article 112a. You, did, within the Continental United States, between on or about 1 Mar 02, and on or about 20 Mar 02, wrongfully use marijuana. Reduction to SrA, forfeiture of \$840.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 17 Jun 00 - 16 Jun 01 Moody AFB 5 (Annual)

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

i. Stmt of Sv: TMS: (5) Yrs (7) Mos (27) Das
TAMS: (5) Yrs (7) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Jul 05.
(Change Discharge to Honorable)

Issue 1: My overall conduct and performance throughout my service was good and my discharge should not reflect an isolated incident. Also, I have a prior honorable discharge.

ATCH

1. DD Forms 214.
2. Discharge Correspondence.
3. AF Form 3070.
4. Enlistment Documents.

19APR05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 347TH RESCUE WING (ACC)
MOODY AIR FORCE BASE GEORGIA

FD 2005-00058

20 May 2002

MEMORANDUM FOR SRA [REDACTED] 41 RQS

FROM: 41 RQS /CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for 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 honorable or general. I am recommending that your service be characterized as general.

2. My reason for this action is as follows:

You did, within the continental United States, between on or about 1 March 2002 and on or about 20 March 2002, wrongfully use marijuana, a Schedule I controlled substance. For this offense you received nonjudicial punishment pursuant to Article 15, UCMJ, on 3 May 02 (Atch 1). Your punishment included a reduction to the grade of Senior Airman, and forfeiture of \$840.00 pay per month for 2 months.

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 and will probably be precluded from enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.


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 Capt [REDACTED], Area Defense Counsel, in Building 5107 Austin Ellipse, Moody AFB, GA, extension (DSN) 460-3421, on 21 May 2002 at 0900 hrs. Please take your copy of this Notification Memorandum and attachments with you to your appointment. You may consult civilian counsel at your own expense.

4. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days after receipt of this notification letter unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

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6. You have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, Physical Exams, Building 3296, on 21 May 2002 at 1315 hrs for the examination. This is a mandatory appointment. Be sure to bring your medical records to this appointment.
7. 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 the orderly room.
8. Execute the attached acknowledgement and return it to me immediately.


Lt Col, USAF
Commander, 41st Rescue Squadron

Attachments:

1. AF Form 3070, 3 May 02
2. Receipt of Notification Memorandum