

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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
					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
16 Aug 2005	FD-2005-00072

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: 8/16/2005
TO:	FROM:	
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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-2005-00072

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 contends discharge was inequitable because it was too harsh and based on an isolated incident in 48 months of service. The applicant received a general discharge for misconduct, specifically, drug abuse. The Board noted he was essentially the same age as other airmen who complete their enlistments without disciplinary infractions, and there is no evidence he did not know right from wrong. 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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Minot AFB, ND on 22 Dec 93 UP AFR 39-10, para 5-51(Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 4 May 70. Enlmt Age: 19 4/12. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-93, E-77, G-66, M-79. PAFSC: 3E151 - Heating, Ventilation, Air Conditioning and Refrigeration Journeyman. DAS: 5 Feb 93.

b. Prior Sv: (1) AFRes 22 Sep 89 - 26 Nov 89 (2 months 5 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Nov 89 for 4 yrs. Extended on 29 Jan 92 for 2 months. Svd: 4 Yrs 0 Mo 26 Das, all AMS.

b. Grade Status: Amn - 16 Dec 93 (Article 15, 16 Dec 93)
SrA - 27 Nov 92
A1C - (EPR Indicates): 27 Nov 89-26 Jul 91
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 16 Dec 93, Minot AFB, ND - Article 112a. You, did, at or near Vancouver, Washington, on or about 6 Jan 93, wrongfully use marijuana. Reduction to Airman. Forfeiture of \$200.00 pay per month for 2 months (suspended). Fourteen days restriction. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 27 Nov 89 - 26 Jul 91 Aviano AB 4 (Initial)
27 Jul 91 - 28 Feb 92 Aviano AB 5 (CRO)
29 Feb 92 - 19 Sep 92 Aviano AB 5 (CRO)
20 Sep 92 - 19 Sep 93 Minot AFB 5 (Annual)

h. Awards & Decs: AFOSLTR, AFTR, AFOUA, AFAM, AFLSAR, AFGCM, NDSM, SWASM.

i. Stmt of Sv: TMS: (4) Yrs (3) Mos (1) Das
TAMS: (4) Yrs (0) Mos (26) Das



(PD 2005-00072)

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5TH SUPPORT GROUP (ACC)
MINOT AIR FORCE BASE, NORTH DAKOTA

FROM: 5 CES/CCQ

20 December 1993

SUBJ: Letter of Notification - AFR 39-10, Para 5-51

TO: Amn [REDACTED] 5 CES

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, drug abuse. The authority for this action is AFR 39-10, paragraph 5-51. If my recommendation is approved, your discharge will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 6 Jan 93, at or near Vancouver, Washington, you wrongfully used marijuana. For this incident you received an Article 15, 16 Dec 93.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction (5BW/CC) 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.

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 Captain [REDACTED] Area Defense Counsel, at his office, 300 Summit Drive, Room 306A, at 1100 hours on 20 Dec 93. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 0730 hours on 23 Dec 1993, 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 or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a medical examination. You must report to the 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND at 0900 hours on 20 Dec 93 for the examination.

7. 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 in the Orderly Room.

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



1 Lt, USAF
Squadron Section Commander

2 Atchs

1. Article 15, 16 Aug 93
 - a. Investigation Report
2. Receipt of Letter of Notification