

CHARGE 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	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 18 Aug 2005	CASE NUMBER FD-2005-00096	
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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	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00096

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 wrongfully using marijuana, and a Letter of Reprimand, for allowing two minors to remain overnight and without supervision. The Board noted the applicant was age 19 to 20 when the 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 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

[REDACTED]
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Hurlburt Field, FL on 16 Dec 03 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 26 Jan 83. Enlmt Age: 18 0/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-51, E-64, G-42, M-51. PAFSC: 2A636 - Aircraft Electronic Systems Apprentice. DAS: 27 Dec 01.

b. Prior Sv: (1) AFRes 24 Feb 01 - 28 May 01 (3 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 May 01 for 6 yrs. Svd: 2 Yrs 6 Mo 18 Das, all AMS.

b. Grade Status: AMN - 4 Nov 03 (Article 15, 4 Nov 03)
A1C - 16 Jul 01

c. Time Lost: None.

d. Art 15's: (1) 4 Nov 03, Hurlburt Field, FL - Article 112a. You did, within the state of Florida, on or about 15 Sep 03, wrongfully use marijuana, a Schedule I controlled substance. Reduction to Airman, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 23 AUG 02 - Allowed two minors to remain overnight and was not present during that time.

f. CM: None.

g. Record of SV: 29 May 01 - 15 Jan 03 Hurlburt Field 5 (HAF Dir)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (23) Das
TAMS: (2) Yrs (6) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Feb 05.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

15APR05/ia

(FD 2005-00096



DEPARTMENT OF THE AIR FORCE
16TH AIRCRAFT MAINTENANCE SQUADRON (AFSOC)

DEC 9 2003

MEMORANDUM FOR AMN [REDACTED] 16 AMXS

FROM: 16 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, more specifically, for drug abuse. The authority for this action is AFD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.54. If my recommendation for discharge is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.

2. My reason for this action is based on the following:

You did, within the continental United States, on or about 15 Sep 03, wrongfully use marijuana, for which you received Nonjudicial Punishment under Article 15, UCMJ on 7 Nov 03, which was filed in your Unfavorable Information File (UIF).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Courts-Martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. 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 the Area Defense Counsel, Hurlburt Field, FL, Bldg 90042, on 10 Dec 03 at 1030 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three workdays 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 are scheduled for a medical examination and you should report to the Hurlburt Clinic, Family Health at 10 Dec 03 on 0800 for the examination.

8. 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 the unit orderly room.


Lt Col, USAF
Commander

Attachments:

1. AF FM 3070, dtd 7 Nov 03 (3pgs.)
2. AF FM 1137, Undated (1pg.)
3. Documents containing derogatory information--which are not listed on the notification memorandum:
 - a. LOR, dtd 23 Aug 02 (2pgs.)
4. Airman's receipt of notification memorandum