

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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 A95.00 A01.00	INDEX NUMBER A67.30	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 23 Sep 2005	CASE NUMBER FD-2005-00111
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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: 9/23/2005
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

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 applicant submitted no issues contesting the equity or propriety of the discharge. The records indicated the applicant received an Article 15 for misconduct. The misconduct included 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 A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Barksdale AFB, LA on 22 Dec 95 UP AFI 36-3208, para 5.52.3 (Pattern of Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 16 Jul 72. Enlmt Age: 20 1/12. Disch Age: 23 5/12. Educ: HS DIPL. AFQT: N/A. A-65, E-49, G-48, M-63. PAFSC: 2A635 - Aircraft Pneudraulic Systems Apprentice. DAS: 7 Dec 94.

b. Prior Sv: (1) AFRes 1 Sep 92 - 30 Nov 92 (3 months) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 1 Dec 92 for 4 yrs. Extended 30 Jun 94 for 5 months. Svd: 3 Yrs 0 Mo 22 Das, all AMS.

b. Grade Status: AB - 14 Nov 95 (Article 15, 14 Nov 95)
A1C - 1 Apr 94
Amn - (EPR Indicates): 1 Dec 92-31 Jul 94

c. Time Lost: None.

d. Art 15's: (1) 14 Nov 95, Barksdale AFB, LA - Article 112a. From about 15 Aug 95 TO ABOUT 15 Sep 95, within the continental United States, you wrongfully used marijuana, a Schedule I controlled substance. When questioned by Special Agent Carolyn Myers of the OSI, you admitted to smoking marijuana with A1C [REDACTED] while on leave in the state of Florida. You stated you were handed the marijuana cigarette by a friend and only took a few hits of it. Reduction to AB. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 1 Dec 92 - 31 Jul 94 Griffiss AFB 4 (Initial)
1 Aug 94 - 31 Jul 95 Barksdale AFB 4 (Annual)

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

i. Stmt of Sv: TMS: (3) Yrs (3) Mos (22) Das

TAMS: (3) Yrs (0) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Mar 05.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

4MAY05/ia

FD 2005-00111



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE BASE, LOUISIANA

13 DEC 1995

MEMORANDUM FOR AB [REDACTED]

FROM: 2 MXS/CC

SUBJECT: Notification Letter - Administrative Discharge

1. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense. The authority for this action is AFD 36-32 and AFI 36-3208, para 5.52.3. If my recommendation is approved, your service will be characterized as under honorable conditions (general) or honorable. I am recommending that your service be characterized as under honorable conditions (general).

2. My reason for this action is:

a. From about 12 Aug 95 to about 15 Sep 95, you wrongfully used marijuana, a Schedule 1 controlled substance, as evidenced by an Article 15, dated 28 Nov 95 (atch 1).

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 re-enlistment in the Air Force.

3. Military legal counsel, Capt [REDACTED] Area Defense Counsel for Barksdale Air Force Base, Extension 6-8355, Building 4714 (gym annex building), third floor, has been obtained to assist you. An appointment has been scheduled for you to consult him on 14 Dec 95 at 1315 hrs. 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 within three duty days 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.

6. You have been scheduled for a medical examination. You must report to Flight Medicine, Building 451, at 0730 hours on 14 Dec 95 for the examination

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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 your unit Orderly room.

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


 Lt Col USAF
Commander, 2 MXS

Attachments:

1. Article 15, dated 28 Nov 95
2. Receipt of Notification