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HEARING DATE	CASE NUMBER								
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Case heard at Was	hington, D.C.								
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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: The discharge is upgraded to general.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's UOTHC discharge is too harsh and upgrades it to a General.

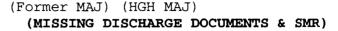
ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Under Other Than Honorable Conditions (UOTHC) discharge for misconduct, specifically, drug use. The Board concluded the UOTHC was too harsh and upgraded the applicant to a General discharge. The Board could not upgrade to an Honorable due to the inconsistencies in the applicant's issue. He stated, "At a routine security clearance in my mid 40s, I was asked about and gave a truthful accounting of marijuana use during my 20s and I was subsequently given an OTH discharge." However, he then subsequently stated he "had not used drugs since my 30s nor have I since." Based on applicant's account, it appears he used drugs in his 20's and 30's. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by a General discharge under the provisions of Title 10, USC 1553.

Attachment: Examiner's Brief

DEPARTMENT OF THE AIR FORCE AIR FORCE DISCHARGE REVIEW BOARD ANDREWS AFB, MD



1. MATTER UNDER REVIEW: Appl rec'd a UOTH Disch fr Lowry AFB, CO on 9 Oct 97 UP AFI 36-3209 (Misconduct). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 29 Sep 49. Enlmt Age: 30 7/12. Disch Age: 48 0/12. Educ: HS DIPL. AFQT: N/A. A-N/A, E-N/A, G-N/A, M-N/A. PAFSC: T08075 - Instructor, Intel Applications Officer. DAS: 1 May 89.

b. Prior Sv: (1) AFRes 1 May 80 - 26 Oct 80 (5 months 25 days)(Inactive).

(2) Enlisted as SSgt 27 Oct 80 for 6 yrs. Svd: 3 months 7 days, all AMS.

3. SERVICE UNDER REVIEW:

a. Appt to 2Lt & ordered to EAD 4 Feb 81. Svd: 16 Yrs 8 Mo 5 Das, of which AMS is 7 yrs 9 months 4 days.

b. Grade Status: Major - Unknown. Capt - 4 Feb 85 1Lt - 4 Feb 83

- c. Time Lost: None.
- d. Art 15's: None.
- e. Additional: Unknown.
- f. CM: None.

g. Record of SV: 29 May 81 - 28 Nov 81 Ramstein AB 01 (Semiannual) 29 Nov 81 - 28 May 82 Ramstein AB 01 (Semiannual) 29 May 82 - 28 Nov 82 Ramstein AB 01 (Semiannual) 29 Nov 82 - 28 May 83 Ramstein AB 01 (Semiannual) 29 May 83 - 28 Nov 83 Ramstein AB 01 (Semiannual) 29 Nov 83 - 06 May 84 Ramstein AB 01 (CRO) 07 May 84 - 06 May 85 Lowry AFB 02 (Annual) 07 May 85 - 30 Apr 89 No Report Required 01 May 89 - 30 Apr 91 Fort Belvoir MS (HAF Dir) 01 May 91 - 30 Apr 92 Kelly AFB MS (Annual) 01 May 92 - 30 Apr 93 Kelly AFB MS (Annual) 01 May 93 - 30 Sep 93 Kelly AFB MS (CRO) 01 Oct 93 - 30 Sep 94 Peterson AFB MS (Annual)



h. Awards & Decs: NDSM, AFTR, AFLSAR, AFOSLTR, AFCM.

i. Stmt of Sv: TMS: (17) Yrs (5) Mos (9) Das TAMS: (8) Yrs (0) Mos (12) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 27 Jun 05. (Change Discharge to Honorable)

Issue 1: I request that the "other than honorable" discharge from service dated 19971009 be upgraded to an honorable discharge. Current and historical references for character and performance can be provided. At a routine security clearance in my mid 40s, I was asked about and gave a truthful accounting of marijuana use during my 20s and I was subsequently given an OTH discharge. I had not used drugs since my 30s nor have I since. I never used illicit drugs on duty, was never found with any on my possession, nor was I ever prosecuted for illegal drug use. Furthermore, I received an honorable discharge from my first discharge from active duty that actually covered the period in question. I was unaware that I was allowed to appeal this rating until just recently. At age 55, I would greatly appreciate having this purged from my otherwise exemplary record and have my final discharge changed to honorable.

ATCH

1. Discharge Order, CL-002, 9 Oct 97.

- 2. DD Form 214, 15 Jul 85.
- 3. DD Form 214, 03 Feb 81.
- 4. FL-142.
- 5. DD Form 149, 25 Mar 05.

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FV 2005-00 147

DEPARTMENT OF THE AIR FORCE HEADQUARTERS AIR RESERVE PERSONNEL CENTER 6760 E IRVINGTON PL #1700 DENVER COLORADO 80280-1700

RESERVE ORDER NUMBER CL-002 DATE 9 OCT 97



BY DIRECTION OF THE PRESIDENT, THE ABOVE NAMED OFFICER IS RELIEVED FROM ASSIGNMENT, HQ ARPC (NARS/NA), THIS STATION, AND IS DISCHARGED UNDER OTHER THAN HONORABLE CONDITIONS FROM ALL APPOINTMENTS IN THE UNITED STATES AIR FORCE EFFECTIVE 9 OCT 97. AUTHORITY: AFI 36-3209.

FOR THE COMMANDER

OFFICIAL

CHIEF, SEPARATIONS BRANCH DIRECTORATE OF PERSONNEL PROGRAM MANAGEMENT DISTRIBUTION CL PLUS