

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF APPLICANT (LAST, FIRST, MIDDLE INITIAL)		GRADE MAJ						
TYPE UOTH		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			
ISSUES 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 15 Dec 2005		CASE NUMBER FD-2005-00147						
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				<i>[Signature]</i>				
INDORSEMENT				DATE: 12/19/2005				
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-2005-00147

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**

(Former MAJ) (HGH MAJ)
(MISSING DISCHARGE DOCUMENTS & SMR)

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.

5JUL05/ia

FD 2005-00147

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

[REDACTED]

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

[REDACTED]
CHIEF, SEPARATIONS BRANCH
DIRECTORATE OF PERSONNEL PROGRAM
MANAGEMENT

DISTRIBUTION
CL PLUS

RO CL-002