

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

INITIAL)

TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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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	A94.53 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	CASE NUMBER
18 Aug 2005	FD-2005-00154

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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ENDORSEMENT		DATE: 8/19/2005
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-2005-00154

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 using and importing Clembuterol and Testanon (anabolic steroids), Schedule III controlled substances into the customs territory of the United States, and wrongfully using Sustanon (anabolic steroid) a Schedule III controlled substance; and a Letter of Reprimand, for failure to appear for traffic court and failing to return to duty. 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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Travis AFB, CA on 18 Nov 03 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 06 Dec 80. Enlmt Age: 19 5/12. Disch Age: 22 11/12. Educ: HS DIPL. AFQT: N/A. A-77, E-70, G-55, M-61. PAFSC: 3E331 - Structural Apprentice. DAS: 21 May 01.

b. Prior Sv: (1) AFRes 25 May 00 - 06 Jun 00 (12 das)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Jun 00 for 6 years. Svd: 03 Yrs 05 Mo 12 Das, all AMS.

b. Grade Status: AB - 25 Sep 03 (Article 15, 25 Sept 03)
SrA - 21 Nov 02
A1C - 21 Jul 00

c. Time Lost: None.

d. Art 15's: (1) 25 Sep 03, Travis AFB CA - Article 112a. You, did, at or near San Ysidro, CA, between on or about 1 Sep 02 and on or about 15 Nov 02, wrongfully import some amount of Clenbuterol and Testanon (anabolic steroids), Schedule III controlled substances, into the customs territory of the United States. You, did, at or near Tijuana, Mexico, between on or about 1 Sep 02 and 15 Nov 02 wrongfully use Sustanon (anabolic steroids), a Schedule III controlled substance. You, did, between on or about 1 Sep 02 and 15 Nov 02, on divers occasions, wrongfully use Clenbuterol and Testanon (anabolic steroids), Schedule III controlled substances. Reduced to AB. Forfeiture of \$575 pay per month for 2 months; and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 11 MAR 02 - Failure to appear for Traffic Court. After appearing the following day, failed to return to duty.

f. CM: None.

g. Record of SV: 07 Jun 01 - 06 Feb 02 Travis AFB 3 (Initial)
07 Feb 02 - 06 Feb 03 Travis AFB 4 (Annual)

h. Awards & Decs: AFAM, AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (03) Yrs (05) Mos (24) Das
TAMS: (03) Yrs (05) Mos (12) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 5 Apr 05.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

18May05/day



DEPARTMENT OF THE AIR FORCE
60TH CIVIL ENGINEER SQUADRON (AMC)

24 Oct 03

MEMORANDUM FOR A [REDACTED] 60 CES

FROM: 60 CES/CCQ
191 W Street Building 912
Travis AFB CA 94535

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, Drug Abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, paragraph 5.54. If my recommendation is approved, your service will be characterized as Honorable or Under Honorable Conditions (General). I am recommending that your service be characterized as Under Honorable Conditions (General).

2. My reasons for initiating this action are:

a. Between on or about 1 Sep 02 and on or about 15 Nov 02, at or near San Ysidro, California, you wrongfully imported Clenbuterol and Testanon (anabolic steroids), Schedule III controlled substances, into the customs territory of the United States, in violation of Article 112a, UCMJ.

b. Between on or about 1 Sep 02 and on or about 15 Nov 02, you wrongfully used Sustanon (anabolic steroid), a Schedule III controlled substance, in violation of Article 112a, UCMJ.

c. Between on or about 1 Sep 02 and on or about 15 Nov 02, on divers occasions, you wrongfully used Clenbuterol and Testanon (anabolic steroids), Schedule III controlled substances, in violation of Article 112a, UCMJ.

For the misconduct in subparagraphs 2a through 2c, you received an Article 15, dated 25 Sep 03, with establishment of an unfavorable information file (UIF) on 26 Sep 03. Punishment consisted of reduction to the grade of Airman Basic, forfeiture of \$575.00 pay per month for 2 months, and 45 days extra duty (Tab 1, Atch 1).

3. 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 are to 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.

4. You have the right to consult with an attorney. Military legal counsel has been obtained to assist you. I have made an appointment for you to speak with Capt [REDACTED] Area Defense Counsel, 540 Airlift Drive, Bldg. 381, Suite D-100, Travis, AFB, California, 94535-2479, DSN 837-4569; Commercial: (707) 424-4569, on 24 Oct 03 at 1000. You may also consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you wish the separation authority to consider must reach me by (three workdays from service of this letter) 29 Oct 03, no later than 0830 hours, unless you request and receive an extension for good cause. I will send the separation authority any documents you submit.

6. If you fail to consult counsel or submit statements on your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the Force Health Management Section (formerly Physical Exams), DGMC, at 1400 on 30 Oct 03 for the examination.

8. Any personal information you furnish in rebuttal will be covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the Orderly Room.

9. Execute the acknowledgment and return it to me immediately.

[REDACTED]
[REDACTED] ELT, USAF
Section Commander

Attachment:

1. AF Form 3070, 25 Sep 03 w/atchs
2. Other Pertinent Information
LOR, 11 Mar 02