

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
--	--------------------	--------------------------------

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	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A93.17 A01.43 A01.27	INDEX NUMBER A66.00	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 09 Nov 2005	CASE NUMBER FD-2005-00193	
------------------------------------	-------------------------------------	--

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.

SIGNATURE OF RECORDER <i>Linda F. Brower</i> LINDA F. BROWER, MSGT, USAF	SIGNATURE OF BOARD PRESIDENT <i>Thomas E. Hammen</i> THOMAS E. HAMMEN, COL, USAF
--	--

INDORSEMENT	DATE: 11/9/2005
--------------------	------------------------

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-2005-00193

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 that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge.

ISSUE: Applicant contends discharge was inequitable because certain statements gathered were written under false pretenses that those involved who cooperated with local authorities would not serve any jail time, when in fact, all those involved (with the exception of the applicant) were convicted and served time in prison. Additionally, the member states he submitted to a urinalysis that came up clean and permitted a search of his domicile which showed no signs of possession. The records indicated the applicant received three Article 15s. His misconduct included wrongfully allowing a civilian to sleep in his dorm room, underage drinking, and wrongful use of 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

[REDACTED]
[REDACTED]

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Randolph AFB, TX on 18 Jul 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 14 Jul 81. Enlmt Age: 18 7/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-74, E-68, G-55, M-60. PAFSC: 2E031 - Ground Radar Systems Apprentice. DAS: 18 May 01.

b. Prior Sv: (1) AFRes 26 Feb 00 - 13 Jun 00 (3 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Jun 00 for 4 yrs. Svd: 2 Yrs 1 Mo 5 Das, all AMS.

b. Grade Status: AB - 12 Oct 01 (Article 15, 12 Oct 01)
Amn - 14 Dec 00

c. Time Lost: None.

d. Art 15's: (1) 28 May 02, Spangdahlem AB, Germany - Article 112a. You did, at or near Maastricht, The Netherlands, between on or about 1 Oct 01 and on or about 31 Oct 01, wrongfully use marijuana. Fourteen days restriction, and 14 days extra duty. (No appeal) (No mitigation)

(2) 12 Oct 01, Spangdahlem AB, Germany - Article 92. You did, between on or about 1 Aug 01 and on or about 15 Sep 01, fail to obey a lawful general regulation, to wit: paragraph 3.1.5, SABI 32-6001, dated 4 May 01, by wrongfully permitting [REDACTED] to sleep in your dormitory room. Reduction to AB. Fifteen days restriction, and 15 days extra duty. (No appeal) (No mitigation)

(3) 29 Jan 01, Keesler AFB, MS - Article 92. You, who knew of your duties, on or about 15 Dec 00, were derelict in the performance of those duties in that you willfully failed to abide by Second Air Force Phase Program restrictions, by failing to refrain from drinking alcoholic beverages while under age 21, as it was your duty to do. Further, you, who knew of your duties, on or about 15 Dec 00, were derelict in the performance of

those duties in that you willfully failed to abide by Second Air Force Phase Program restrictions, by failing to refrain from consuming alcoholic beverages while in the 338 Training Squadron dorms, as it was your duty to do. Forfeiture of \$584.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 14 Jun 00 - 14 Feb 02 Spangdahlem AB 2 (Initial)REF

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (23) Das
TAMS: (2) Yrs (1) Mos (5) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 6 May 05.
(Change Discharge to Honorable)

Issue 1: The statements that were gathered were written under false pretenses that those involved who cooperated with local authorities would not serve any jail time. When in fact, all those involved were convicted, excluding myself, and sentenced to serve a required amount of time in prison. The sole reason I was ever implicated with any kind of involvement, was purely based on an corroboration of statements that were entirely based on false pretenses. During the investigation I did all that was asked by authorities, I submitted a urinalysis that came up clean (negative) for any signs of drug abuse, and also permitted a search of my domicile, that also showed no signs of possession nor abuse.

ATCH

None.

23JUN05/ia



DEPARTMENT OF THE AIR FORCE
52d FIGHTER WING (USAFE)

FD 2005-00 / 93

JUN 19 2002

MEMORANDUM FOR AB [REDACTED]

FROM: 606 ACS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for Drug Abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation for discharge is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending that your service be characterized as general (under honorable conditions).
2. My reason for this action is: Between on or about 1 Oct 01 and 31 Oct 01, you wrongfully used marijuana. For this infraction, you received Article 15 Nonjudicial Punishment on 28 May 01. Your punishment included 14 days restriction, and 14 days extra duty (Atch 1).
3. Although the basis for this discharge is Drug Abuse, the following derogatory information is relevant in characterizing your service.
 - a. On or about 15 Dec 00, you were derelict in the performance of duties in that willfully failed to refrain from drinking alcoholic beverages while under the age of 21. For this infraction, you received Article 15 Nonjudicial Punishment on 29 Jul 01. Your punishment included forfeiture of \$584.00 pay per month for 2 months and an Unfavorable Information File was created (Atch 2 & 3).
 - b. Between on or about 1 Aug 01 and 15 Sep 01, you failed to obey a lawful regulation by wrongfully permitting [REDACTED] sleep in your dormitory room. For this infraction, you received Article 15 Nonjudicial Punishment on 12 Oct 01. Your punishment included reduction to the grade of E-1 (Airman Basic), with a new date of rank of 12 Oct 01, 15 days restriction and 15 days extra duty (Atch 4).
4. 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.
5. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you with [REDACTED], Spangdahlem AB,

Germany, DSN 452-6607, on TBD at TBD hours. You may consult civilian counsel at your own expense.

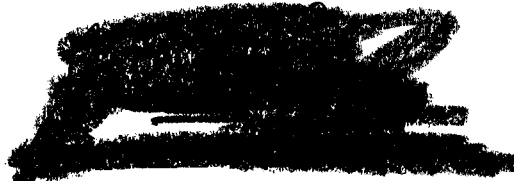
6. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me **within three duty days**, unless you request and receive an extension in writing for good cause shown. I will send them to the separation authority.

7. If you fail to consult counsel or to submit statements on your own behalf within the time period prescribed, it will constitute a waiver of your right to do so.

8. You have been scheduled for a medical examination. You must report to the 52d Medical Group, **PHYSICAL EXAMS ELEMENT** on TBD at TBD hours. An appointment has also been made at **FAMILY PRACTICE** on TBD at TBD hours.

9. 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 the Commander's Support Staff office.

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

A large, dark, irregularly shaped redaction covering the signature of the Commander.

Commander

Attachments:

1. AF Form 3070, 28 May 02
2. UIF, 15 Dec 00
3. AF Form 3070, 29 Jul 01
4. AF Form 3070, 12 Oct 01
5. Airman's Receipt of Notification Letter, located at Tab 2