

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
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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	A93.09	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	08 Dec 2005	CASE NUMBER	FD-2005-00217
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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.

SIGNATURE OF RECORDER 	SIGNATURE OF BOARD MEMBER 
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INDORSEMENT	DATE: 12/12/2005
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-2005-00217

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 the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE: Applicant does not contest his discharge. He states that he has had a clean record with no further legal implications and that he would like to regain benefits previously denied him due to his discharge. The records indicated the applicant received an Article 15 for wrongfully using marijuana on two separate occasions. In addition, he received three Letters of Reprimand and four Records of Individual Counseling for failure to go and for missing an appointment. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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 A1C) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Grand Forks AFB, ND on 13 Dec 96 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 12 Jul 74. Enlmt Age: 17 9/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-50, E-57, G-36, M-57. PAFSC: 2A531G - Logistics Plans Apprentice. DAS: 23 May 94.

b. Prior Sv: (1) AFRes 28 Apr 92 - 13 Dec 92 (7 months 16 days)(Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 14 Dec 92 for 4 yrs. Svd: 4 Yrs 0 Mo 0 Das, all AMS.

b. Grade Status: A1C - 19 Sep 96 (Article 15, 19 Sep 96)
SrA - 14 Dec 95
A1C - Unknown (EPR indicates: 14 Dec 92 - 13 Oct 94)
Amn - 14 Jun 93

c. Time Lost: None.

d. Art 15's: (1) 19 Sep 96, Grand Forks AFB, ND - Article 112a. You did, between on or about 1 Sep 95 and on or about 30 Sep 95, wrongfully use marijuana. You did, at or near Winnipeg, Manitoba, Canada, on or about 10 Oct 95, wrongfully use marijuana. Reduction to AB (in excess of reduction to the grade of A1C suspended). (No appeal) (No mitigation)

e. Additional: LOR, 26 MAR 96 - Failure to go.
LOR, 28 NOV 95 - Failure to go.
RIC, 11 OCT 95 - Late for work.
LOR, 05 JUL 95 - Late for work.
RIC, 12 MAY 95 - Missed appointment.
RIC, 17 NOV 94 - Leaving work without authority.
RIC, 20 OCT 94 - Late for work.

f. CM: None.

g. Record of SV: 14 Dec 92 - 13 Oct 94 Grand Forks AFB 5 (Initial)
14 Oct 94 - 13 Oct 95 Grand Forks AFB 3 (Annual)
14 Oct 95 - 13 Oct 96 Grand Forks AFB 2 (Annual)REF

h. Awards & Decs: AFTR, SWASM W/1 DEV, NDSM, AFOUA W/1 DEV, AFGCM, AFLSAR.

i. Stmt of Sv: TMS: (4) Yrs (7) Mos (16) Das
TAMS: (4) Yrs (0) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Jun 05.
(Change Discharge to Honorable)

Issue 1: I wish to have my discharge upgraded from General to Honorable. I've had a clean record, no further legal implications.

Issue 2: Id like to regain benefits previously denied me due to my discharge.

ATCH
None.

15JUL05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 319TH AIR REFUELING WING (AMC)
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

FD 2005-00217



DEC 1996

MEMORANDUM FOR AIC [REDACTED]

FROM: 319 AGS/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 AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as general.

2. My reason for this action is:

You did, at or near Grand Forks, North Dakota, between on or about 1 Sep 1995 and on or about 30 Sep 1995, wrongfully use marijuana. You did, at or near Winnipeg, Manitoba, Canada, wrongfully use marijuana. For this misconduct, you were punished under Article 15 on 17 Sep 96. Punishment consisted of reduction to the grade of Airman Basic, but that portion of the punishment in excess of reduction to Airman First Class was suspended.

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 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 reenlistment in the Air Force.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You have been scheduled an appointment at the Office of the Area Defense Counsel at Building 216 on 3 Dec 96 at 1600 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 6 Dec 96 at 1530 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to the 319th Medical Group on 6 Dec 96 at 0730 hours for the examination.

Golden Legacy, Boundless Future... Your Nation's Air Force

8. Deliver to me immediately your military identification card and those of your dependents. I have requested that temporary identification cards be issued IAW AFI 36-3001, paragraph 4.2. You will report to me by COB 6 Dec 96 to verify that issuance of Temporary Identification Card(s) has been accomplished.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in the attachment to this letter. A copy of AFI 36-3208 is available for your use in the squadron orderly room.

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

[REDACTED]

[REDACTED], Lt Col, USAF
Commander, 319 AGS

5 Attachments:

1. Privacy Act Statement
2. Supporting Documents
Article 15 dated 17 Sep 96
3. Other Derogatory Data
4. Respondent's Case
5. Personnel Data