

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE AB	AFSC/CSAN
TYPE BCD	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	A95.00	INDEX NUMBER	A68.00	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 15 Dec 2005	CASE NUMBER FD-2005-00224	
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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	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT **DATE: 12/15/2005**

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

[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr Davis-Monthan AFB, AZ on 11 Feb 05 UP SPCMO No.11 (Conviction by Court Martial - Drug Related Offenses). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 18 Aug 79. Enlmt Age: 22 11/12. Disch Age: 25 5/12. Educ: HS DIPL. AFQT: N/A. A-61, E-56, G-53, M-61. PAFSC: 3M031 - Services Apprentice. DAS: 4 Aug 03.

b. Prior Sv: (1) AFRes 24 Jul 02 - 9 Dec 02 (4 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Dec 02 for 6 yrs. Svd: 2 Yrs 2 Mo 2 Das, of which AMS is 2 yrs 2 months 0 days (excludes 2 days lost time).

b. Grade Status: AB - 20 May 04 (SPCMO No.11, 17 Jun 04)
A1C - 26 Jan 03

c. Time Lost: 8 Nov 03 - 10 Nov 03 (2 days).

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial No.11 - 17 Jun 04

CHARGE: Article 112a. Plea: Guilty. Finding: Guilty.

Specification 1: In that [REDACTED] did, at or near the State of Arizona, on or about 6 Nov 03, wrongfully use marijuana. Plea: Guilty. Finding: Guilty.

Specification 2: In that [REDACTED] did, at or near the State of Arizona, on or about 6 Nov 03, wrongfully use methamphetamine. Plea: Guilty. Finding: Guilty.

Specification 3: In that [REDACTED] did, at or near the State of Arizona, on or about 8 Nov 03, wrongfully use methamphetamine. Plea: Guilty. Finding: Guilty. Sentence adjudged on 6 May 2004 by military judge alone: Confinement for 5 months, reduction to AB, and a bad conduct discharge.

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00224

GENERAL: The applicant appeals for upgrade of discharge to general.

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: Applicant did not submit any issues. The records indicated the applicant received a Bad Conduct Discharge for drug related offenses as determined by a Special Court Martial. 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

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (6) Mos (19) Das
TAMS: (2) Yrs (2) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 May 05.
(Change Discharge to General)

NO ISSUES SUBMITTED.

ATCH
None.

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FD 2005-00224

**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 355TH WING (ACC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA 85707**

Special Court-Martial Order
No. 11

17 June 2004

[REDACTED] United States Air Force, 355th Services Squadron was arraigned at Davis-Monthan Air Force Base, Arizona, on the following offense at a court-martial convened by this headquarters.

CHARGE: Article 112a. Plea: G. Finding: G.

Specification 1: In that [REDACTED] United States Air Force, 355th Services Squadron, Davis-Monthan Air Force Base, Arizona, did, at or near the State of Arizona, on or about 6 November 2003, wrongfully use marijuana. Plea: G Finding: G

Specification 2: In that [REDACTED] United States Air Force, 355th Services Squadron, Davis-Monthan Air Force Base, Arizona, did, at or near the State of Arizona, on or about 6 November 2003, wrongfully use methamphetamine. Plea: G Finding: G

Specification 3: In that [REDACTED] United States Air Force, 355th Services Squadron, Davis-Monthan Air Force Base, Arizona, did, at or near the State of Arizona, on or about 8 November 2003, wrongfully use methamphetamine. Plea: G Finding: G

SENTENCE

Sentence adjudged on 6 May 2004 by military judge alone: Confinement for 5 months, reduction to E-1, and a bad conduct discharge.

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ACTION

In the case of [REDACTED] United States Air Force, 355th Services Squadron, only so much of the sentence as provides for a bad conduct discharge, confinement for 3 months, and reduction to E-1 is approved, and, except for the bad conduct discharge, will be executed. Pursuant to Article 58b, Section (b), Uniform Code of Military Justice, all of the mandatory forfeitures are waived for a period of 6 months or release from confinement, whichever is sooner, with the waiver commencing on 20 May 2004. The two-thirds pay is directed to be paid to [REDACTED] mother of the Accused, for the benefit of the Accused's dependent son. Unless competent authority otherwise directs, upon completion of the sentence to confinement, [REDACTED] will be required, under Article 76a, UCMJ, to take leave pending completion of appellate review of the conviction. The Air Force Corrections System is designated for the purpose of confinement, and the confinement will be served therein or elsewhere as the Chief, Corrections Division, may direct.

[REDACTED]

FOR THE COMMANDER

[REDACTED]

DISTRIBUTION:

SPCMO No. 11

- 1 - [REDACTED] USAF Judiciary, 540th Airlift Drive, Suite B123, Travis AFB, CA 94535-2478 (MJ)
- 1 - [REDACTED] 355 WG/JA, 5275 E. Granite Street, Davis-Monthan AFB, AZ 85707-3012 (TC)