

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

|  |               |   |   |  |              |              |             |
|--|---------------|---|---|--|--------------|--------------|-------------|
| (TIAL)   |               |   |   |  |              |              |             |
| <b>TYPE GEN</b>  | <b>X</b>      | <b>PERSONAL APPEARANCE</b>  | <b>RECORD REVIEW</b>                          |  |              |              |             |
| <b>COUNSEL</b>   |               | <b>NAME OF COUNSEL AND OR ORGANIZATION</b>  | <b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b> |  |              |              |             |
| <b>YES</b>   | <b>No</b>     |   |   |  |              |              |             |
|  | <b>X</b>      |   |   |  |              |              |             |
| <b>MEMBER SITTING</b>  |               |   | <b>VOTE OF THE BOARD</b>                      |  |              |              |             |
|  |               |   | <b>HON</b>                                    | <b>GEN</b>   | <b>UOTHC</b> | <b>OTHER</b> | <b>DENY</b> |
|  |               |   | <b>X</b>                                      |  |              |              |             |
|  |               |   | <b>X</b>                                      |  |              |              |             |
|  |               |   |   |  |              |              | <b>X</b>    |
|  |               |   |   | <b>X</b>   |              |              |             |
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|  |               |   |   |  |              |              |             |
| <b>ISSUES</b>  |               | <b>INDEX NUMBER</b>   | <b>EXHIBITS SUBMITTED TO THE BOARD</b>        |  |              |              |             |
| <b>A92.22</b>  | <b>A92.02</b> | <b>A67.70</b>   | <b>1</b>                                      | ORDER APPOINTING THE BOARD                                   |              |              |             |
| <b>A92.04</b>  | <b>A92.08</b> |   | <b>2</b>                                      | APPLICATION FOR REVIEW OF DISCHARGE                          |              |              |             |
| <b>A92.10</b>  | <b>A92.20</b> |   | <b>3</b>                                      | LETTER OF NOTIFICATION                                       |              |              |             |
|  |               |   | <b>4</b>                                      | BRIEF OF PERSONNEL FILE                                      |              |              |             |
|  |               |   |   | COUNSEL'S RELEASE TO THE BOARD                               |              |              |             |
|  |               |   |   | ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE |              |              |             |
|  |               |   |   | TAPE RECORDING OF PERSONAL APPEARANCE                        |              |              |             |
| <b>HEARING DATE</b>  |               | <b>CASE NUMBER</b>  |   |  |              |              |             |
| <b>20 Oct 2005</b>   |               | <b>FD-2005-00231</b>  |   |  |              |              |             |
| <b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>                                       |               |   |   |  |              |              |             |
| <p>Case heard at Washington, D.C.</p> <p>Advise applicant of the decision of the Board.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> |               |   |   |  |              |              |             |
|  |               |   |   |  |              |              |             |
| <b>INDORSEMENT</b>   |               |   | <b>DATE: 10/20/2005</b>                       |  |              |              |             |
| <b>TO:</b>   |               | <b>FROM:</b>  |   |  |              |              |             |
| SAF/MRBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742   |               | SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3RD FLOOR<br>ANDREWS AFB, MD 20762-7002 |   |  |              |              |             |

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00231**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 20 Oct 2005.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** The Board grants the requested relief. The discharge is upgraded to Honorable.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received a General (Under Honorable Conditions) discharge from the West Virginia Air National Guard on 8 Jan 2005 for misconduct – drug abuse. The applicant tested positive for marijuana during a UTA weekend in 2004. The Board found that the member has had an exemplary 28 satisfactory years of service for retirement. One year and eight months of that time he served on active duty. During that time, the applicant served 10 months in Vietnam as an Army Infantryman. He also received the Bronze Star and two Purple Hearts (unconfirmed). The applicant stated that the misconduct was the only blemish in an otherwise outstanding military career and that he was truly sorry for his indiscretion. The Board concluded that relief is warranted based upon consideration of the applicant's service record. However, the Board did not condone the misconduct.

**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 an Honorable discharge.

Attachment:  
Examiner's Brief

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

(Former TSGT) (HGH TSGT)

MISSING DOCUMENTS

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Martinsburg, WV on 8 Jan 05 UP AFI 36-3209, para 3.21.3.2 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

**2. BACKGROUND:**

a. DOB: 12 Feb 50. Enlmt Age: 20 1/12. Disch Age: 54 10/12. Educ: HS DIPL. AFQT: N/A. A-50, E-43, G-64, M-63. PAFSC: 2T271 - Air Transportation Technician. DAS: 28 Mar 87.

b. Prior Sv: US Army Active Duty 12 Mar 70 - 12 Nov 71. USAR 13 Nov 71 - 1 Mar 76. USARNG 15 Oct 77 - 27 Mar 87. ANG 28 Mar 87 - 27 Mar 02. Svd: 15 yrs 5 months 3 days, of which AMS is 1 yr 8 months 1 day. E-1 thru E-5 unknown. TSgt 21 Aug 98. No performance reports available.

**3. SERVICE UNDER REVIEW:**

a. Reenlisted ANG as TSgt 28 Mar 02 for 3 yrs. Svd: 2 Yrs 9 Mo 10 Das, (Inactive)

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: 17 SEP 04 - Positive urinalysis (See Adjutant General letter dated 21 Dec 04).

f. CM: None.

g. Record of SV: Unknown.

h. Awards & Decs: BS, AESM, ACM, NDSM, VSM, VCM W/60 DEVS, AFOUA, AFTR, AFLSAR W/5 DEVS, AFRESM, ARFMSM, ADFRM.

i. Stmt of Sv: TMS: (33) Yrs (02) Mos (05) Das

TAMS: (1) Yrs (8) Mos (1) Das

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

ISSUES ATTACHED TO BRIEF.


**ATCH**

1. Applicant's Issues.

14JUL05/ia

To: The board of Corrections of Air Force Records  
SAF/mib  
550- C Street West, Suite 40  
Randolph AFB, TX 78150-4742

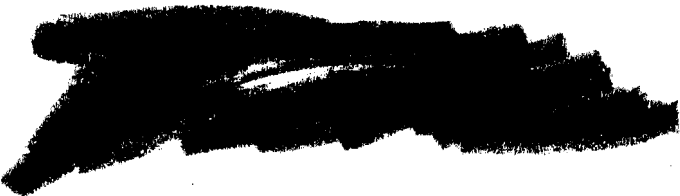
From: 

 Would like to have my General Discharge from the Air Force changed and returned to an Honorable Discharge. I feel after spending twenty-eight years, eight months and one day serving my country, from being drafted to Vietnam, to present day that I have earned, deserved the honor of honorable discharge. The action that occurred was not a responsible action, but spending time with five of my veteran friends on a weekend get away, I made a dumb mistake, I never thought that this was a risk to my future.

At the time I had also started my paperwork to retire from the service to spend time with my family. My service record started in the Army in 1970-71 when I was drafted to go to Vietnam. I signed up in 1977 in the Army Guard in Virginia until 1987, which after my service in the Army Guard I made the switch to the Air Guard in Martinsburg, WVA from 1987 until September -October 2004.

I am interested in doing whatever it takes to return my honorable status to my discharge, and to restore my benefits and my identification privileges for bases within my country and worldwide. After 28 years of serving my country, I hope that you can see your way clear to return my Honorable Discharge and my benefits.

Thank You  
Sincerely



STATE OF WEST VIRGINIA (ANG)  
ADJUTANT GENERAL'S DEPARTMENT  
1703 COONSKIN DRIVE  
CHARLESTON, WV 25311-1085

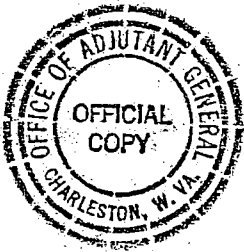
Personnel Data-Privacy Act of 1974 (5 USC 552a)

SPECIAL ORDER  
AM-67

21 December 2004

TECHNICAL SERGEANT [REDACTED] (HOR: 212 Opequon Avenue, Winchester, VA 22601) is relieved from assignment to the 167<sup>th</sup> Aerial Port Squadron, 222 Sabre Jet Boulevard, Martinsburg, WV 25401, and discharged from the West Virginia Air National Guard and as a ResAF with a General Discharge Under Honorable Conditions effective 8 January 2005. AUTHORITY: AFI 36-3209, Paragraph 3.21.3.2, SPD: JPB.

BY ORDER OF THE GOVERNOR



[REDACTED]  
Major General, WVARNG  
The Adjutant General

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AM-67



Major General, WVARNG  
The Adjutant General

State of West Virginia  
**OFFICE OF THE ADJUTANT GENERAL**  
1703 COONSKIN DRIVE  
CHARLESTON, WEST VIRGINIA 25311-1085

FD 2005-00231

21 December 2004

SUBJECT: Final Decision on Recommendation for Involuntary Discharge

MEMORANDUM FOR [REDACTED]

212 Opequon Avenue  
Winchester, VA 22601

1. References:

- a. 167 APS/CC Letter, dated 2 October 2004, SUBJECT: Recommendation for Discharge, [REDACTED]
- b. 167 APS/CC Letter, dated 2 October 2004, SUBJECT: Recommendation for Involuntary Discharge
- c. Your Memorandum, dated 2 October 2004, SUBJECT: Selection of Rights/Options Due to Action Under AFI 36-3209
- d. Air Force Instruction 36-3209, 1 February 1998

2. Reference 1a contains your commander's recommendation for involuntary discharge based upon AFI 36-3209, paragraph 3.21.3.2, Misconduct/Drug Abuse. The specific reason for your discharge is your positive urinalysis on or about 17 Sep 04. Your memorandum, reference 1c above, contained your waiver of your right to submit statements or documents in your behalf.

3. As separation authority for the West Virginia Air National Guard (WVANG), I have carefully and fully reviewed and evaluated your commander's recommendation. I have decided to accept the recommendation that you be discharged from the WVANG. You will be discharged with a General Under Honorable characterization. Your discharge will be effective at 2400 hours, 8 January 2005. Attached hereto are two copies of TAG, WV Special Order (ANG) AM-67, dated 21 Dec 2004, which effects your discharge. You will receive a NGB Form 22, Report of Separation and Record of Service, from your Military Personnel Flight (MPF) in the near future.

4. You are hereby directed to report to your unit commander on or before 8 January 2005 for the purpose of turning in any organizational clothing or equipment that you might have in order to clear the base. This decision on your case is final and may not be further appealed.



1 Atch  
a/s

Major General, WVARNG  
The Adjutant General

Cy to: HQWVANG/CC/JA  
167AW/CC  
167MSG/CC  
167APS/CC  
167MPF  
SPR