



AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	No	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UO/HC	OTHER	DENY
					X	
					X	
					X	
					X	
					X	
					X	
INSCIS	A94.53	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	21 Dec 2005	CASE NUMBER	FD-2005-00248			
<small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</small>						
<p>Case heard at Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>						
		<small>SIGNATURE OF BOARD PRESIDENT</small> 				
INDORSEMENT		DATE: 12/21/2005				
TO:	FROM:					
SAE 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

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 impropriety or inequity that would justify a change of discharge.

ISSUE: Applicant contends that his drug abuse was experimental and that he had never had an encounter with drugs before this incident, that it was a life lesson learned, and that he realizes that he has brought discredit to himself, his country, and the USAF. The records indicated the applicant wrongfully used marijuana on two separate occasions and received an Article 15 for each one of these actions. The Board concluded the misconduct was a significant departure from conduct expected of all military members and that his willful, multiple use of marijuana blatantly ignored the Air Force Zero Tolerance drug policy and offset any positive aspects of his duty performance. The characterization of the discharge received by the applicant was found to be appropriate and the Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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]
(Former AMN) (HGH SRA)

(MISSING MPR)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Stuttgart, GE on 16 Nov 04 UP AFI 36-3208, para 5.54 (Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 Jan 81. Enlmt Age: 18 8/12. Disch Age: 23 10/12. Educ: HS DIPL. AFQT: N/A. A-49, E-75, G-42, M-49. PAFSC: 3S051 - Personnel Journeyman. DAS: 5 Jan 04.

b. Prior Sv: (1) AFRes 28 Sep 99 - 14 Dec 99 (02 mos 17 das) (Inactive).

Enlisted as AB 15 Dec 99 for 4 years. Svd: 03 yrs 06 mos 01 day, all AMS. Amn - 15 Jun 00. A1C - 15 Apr 01. SrA - 15 Dec 02. EPRs: 3,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 16 Jun 03 for 4 years. Svd: 01 Yrs 05 Mo 01 Das, all AMS.

b. Grade Status: Amn - 15 Sep 04 (Article 15, 15 Sep 04)
A1C - 04 Aug 04 (Article 15, 04 Aug 04)

c. Time Lost: None.

d. Art 15's: (1) 15 Sep 04, Stuttgart, GE - Article 112a. You, did, at or near the continent of Europe, on or about 28 Jul 04, wrongfully use marijuana. Reduction to Amn and Reprimand. (No appeal) (No mitigation)

(2) 04 Aug 04, Stuttgart, GE - Article 112a. You, did, at or near continent of Europe, on or about 24 May 04, wrongfully use marijuana. Reduction to A1C. Forfeiture of \$792.00 pay per month for 2 months, suspended. Reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 15 Aug 02 - 14 Aug 03 Maxwell AFB 5 (Annual)
15 Aug 03 - 14 Aug 04 Stuttgart 2 (Annual)REF

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

i. Stmt of Sv: TMS: (05) Yrs (01) Mos (19) Das
TAMS: (04) Yrs (11) Mos (02) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Jun 05.
(Change Discharge to Honorable)

Issue 1: I am man enough to admit that I made a mistake. It was experimental. Before this incident, I never had an encounter with drugs before. It was a life lesson learned, and I realize that I brought credit to myself, my country, and the United States Air Force.

ATCH

1. Twelve certificates of training.
2. Certificate of Appreciation.
3. Amn of the Quarter certificate.
4. Highlights of his military career.
5. Three copies of EPRs.
6. Appeal of Nonjudicial Punishment.

28Jul05/day



DEPARTMENT OF THE AIR FORCE
EUROPEAN MISSION SUPPORT SQUADRON (USAFE)

18 OCT 04

MEMORANDUM FOR AMN [REDACTED], EUROPEAN MSS

FROM: EUROPEAN MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Drug Abuse. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as Under Honorable Conditions (General).
2. My reason for this action is that:
 - a. On or about 28 July 2004, you wrongfully used marijuana. For this incident, you received Nonjudicial Punishment (NJP), dated 15 September 2004. This document was placed in your Unfavorable Information File (UIF) (Atch 1a).
 - b. On or about 24 May 2004, you wrongfully used marijuana. For this incident, you received NJP, dated 4 August 2004. This document established your UIF (Atch 1b). IAW AFI 36-3208, paragraph 5.54, drug abuse is incompatible with military service.
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 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.
4. You have the right to consult counsel. **Military legal counsel has been obtained to assist you. I have made an appointment for you to consult with CAPT [REDACTED], Area Defense Counsel, Ramstein AB, GE, Building 2111, DSN 480-2182/2492 on 19 OCT 2004 at 1600 hours by telephone consultation.** If you chose not to consult counsel then you must call and cancel this appointment. 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 21 OCT 04 at 1600 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 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 evaluation. You must report in uniform with your medical records and an escort to the Patch Bks Clinic, Physical Exams, Building _____ on 19 OCT 2004 at 0940 hours for the evaluation. If an examination is required, tell the doctor you need a "separation" physical examination. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, *Administrative Separation of Airmen*, is available for your use in the orderly room.

9. Execute the attached acknowledgement and return it to me immediately.

[REDACTED]
[REDACTED] Colonel, USAF
Commander

Attachments:

1. Supporting Document
 - a. AF Form 3070, dated 15 September 2004 w/attachment
 - b. AF Form 3070, dated 4 August 2004 w/attachment
2. Airman's Receipt of Notification Memorandum