

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				
YES	No	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
ISSUES	A93.09	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD			
		A66.00	1	ORDER APPOINTING THE BOARD		
		A62.00	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	27 Dec 2005	CASE NUMBER	FD-2005-00264			
<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>						
SIGNATURE OF RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]			
INDORSEMENT			DATE: 12/27/2005			
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

FD-2005-00264

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 since his discharge, he has been a model citizen and has not been in any trouble with the law. The records indicated the applicant received an Article 15 for wrongfully possessing some amount of marijuana, concealing the fact that he had used marijuana prior to coming in the Air Force, failing to remain on Sheppard AFB, wearing civilian clothes, riding in a POV and for failing to return to and remain in his dormitory room. 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

[REDACTED]

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Sheppard AFB, TX on 24 Aug 95 UP AFI 36-3208, para 5.15 & 5.54 (Fraudulent Entry and Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 Jul 74. Enlmt Age: 20 2/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-90, E-82, G-80, M-67. PAFSC: 3E011 - Electrical Systems Helper. DAS: 20 Feb 95.

b. Prior Sv: (1) AFRes 21 Oct 94 - 03 Jan 95 (2 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 04 Jan 95 for 4 yrs. Svd: 00 Yrs 07 Mo 21 Das, all AMS.

b. Grade Status: AB - 19 Jul 95

c. Time Lost: None.

d. Art 15's: (1) 19 Jul 95, Sheppard AFB, TX - Article 112a. You did, at or near Wichita Falls, Texas, on or about 22 Apr 95, wrongfully possess some amount of marijuana. Article 83. You did, in the continental United States, on or about 04 Jan 95, by means of deliberate concealment of the fact that you had used marijuana, procure yourself to be enlisted an Airman in the United States Air Force, and did thereafter, at Lackland AFB, Texas and Sheppard AFB, Texas, receive pay and allowances under the enlistment so procured. Article 92. You did, on or about 29 May 95, violate a lawful general regulation, to wit: Paragraphs 4.3.1, 4.3.2, 4.3.3, and 4.3.5, Sheppard AFB Regulation 52-1, dated 15 Dec 94, by failing to remain on Sheppard AFB, by failing to remain in proper military uniform and wearing civilian clothes while off-duty; by riding in a privately owned vehicle and by failing to return to and remain in your assigned dormitory room from 2000-0400 before a duty day and 2200-0700 before a non-duty day. Reduction to AB, forfeiture of \$350.00 pay per month for 2 months, and restriction to base for 60 days. (No appeal) (No mitigation)

e. Additional: None.

- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: NDSM, AFTR.
- i. Stmt of Sv: TMS: (00) Yrs (10) Mos (04) Das
TAMS: (00) Yrs (07) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Jun 05.
(Change Discharge to Honorable)

Issue 1: Since my discharge from the Air Force, I have been a model citizen. I have not been in any trouble with the law. Please feel free to conduct a complete background check for evidence. I am currently applying for a position with the FAA and I do not wish my type of discharge to affect suitability in being hired by the FAA. I am now married with three children plus one on the way and I would like to be able to support my family without being affected by a mistake I made ten years ago. Thank you.

ATCH
None.

9AUG05/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD2005-00264

15 AUG 1995

MEMORANDUM FOR AB [REDACTED] 366 TRS

FROM: 366 TRS/CCQ
727 MISSILE RD BLDG 1927
SHEPPARD AFB TX 76311

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Fraudulent Entry and Drug Abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.15 and 5.54. If my recommendation is approved your service will be characterized as an honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. You did, at or near Wichita Falls, Texas, on or about 22 April 1995, wrongfully possess some amount of marijuana. For this infraction and subparagraph "b" below you received Article 15 punishment on 19 Jul 95.

b. You did, in the continental United States, on or about 4 January 1995, by means of deliberate concealment of the fact that you had used marijuana, procure yourself to be enlisted an Airman in the United States Air Force, and did thereafter, at Lackland Air Force Base, Texas and Sheppard Air Force Base, Texas, receive pay and allowances under the enlistment so procured.

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.

3. 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 [REDACTED], Area Defense Counsel, at Bldg 1638, on 16 Aug 95, at 1500. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 10 Aug 95 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.
6. You were scheduled for a medical examination on 3 Aug 95.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available in the 366th Training Squadron Unit Personnel Office for your use.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
[REDACTED] 1Lt, USAF
Squadron Section Commander
366th Training Squadron

Attachments

1. AF Form 3070, w/ 1 atch
2. Memo, Extract of ROI
3. AF Form 1168, 23 Apr 95, [REDACTED]
4. Extract from ROI, Subject Interview
5. AF Form 2030, 21 Oct 94
6. DD form 398, 4 Jan 95
7. AETC Form 125A, 16 Jun 95
8. AETC Form 156, 13 Mar 95
9. Airman's Receipt of Notification Memorandum [REDACTED]