

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> AMN	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<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>				
	HON	GEN	UO/HC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A66.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<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> 27 Dec 2005	<b>CASE NUMBER</b> FD-2005-00268	
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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.

<b>SIGNATURE</b> [REDACTED]	<b>SIGNATURE</b> [REDACTED]
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<b>ENDORSEMENT</b>	<b>DATE:</b> 12/27/2005
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2005-00268**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, and to change the reenlistment code.

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 and change of reenlistment code are 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 contends discharge was iniquitable because it was too harsh. The records indicated the applicant received an Article 15 for wrongfully using a scheduled IV controlled substance, specifically, diazepam. 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 AMN) (HGH SRA)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Lackland AFB, TX on 30 Jun 04 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 10 Jun 78. Enlmt Age: 22 9/12. Disch Age: 26 0/12. Educ: HS DIPL. AFQT: N/A. A-63, E-61, G-52, M-62. PAFSC: 3E751 - Fire Protection Specialist. DAS: 03 Feb 04.

b. Prior Sv: (1) AFRes 05 Apr 01 - 23 Apr 01 (19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Apr 01 for 6 yrs. Svd: 3 Yrs 2 Mo 7 Das, all AMS.

b. Grade Status: AMN - 27 Apr 04 (Article 15, 27 Apr 04)  
SrA - 08 Oct 03  
A1C - 08 Jun 01

c. Time Lost: None.

d. Art 15's: (1) 27 Apr 04, Soto Cano AB, Honduras - Article 107. You did, on or about 29 Mar 04, with intend to deceive, sign an official record, to wit: DA Form 2823, Sworn Statement made to Special Agent [REDACTED] an official statement, to wit: You had never used drugs, either in the military or before that, which statement was totally false, and was then known by you to be so false. Article 112a. You, did, on or about 16 Feb 04, wrongfully use diazepam, a schedule IV controlled substance. Reduction to Airman, and restriction to the limits of Soto Cano Air Base, Honduras for 45 days. (Appeal/Denied) (No mitigation)

e. Additional: NONE.

f. CM: None.

g. Record of SV: 24 Apr 01 - 26 Dec 02 Moody AFB 5 (Annual)  
27 Dec 02 - 26 Dec 03 Moody AFB 5 (Annual)

h. Awards & Decs: NDSM, AFTR, AFAM W/1 BOLC.

i. Stmt of Sv: TMS: (03) Yrs (02) Mos (26) Das  
TAMS: (03) Yrs (02) Mos (07) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 07 Jul 05.  
(Change Discharge to Honorable, and Change the RE Code.)

Issue 1: My discharge is inequitable because it was based on one isolated incident in 3 years, 2 months, & 11 days of service. My military record, achievements, & bearing, conduct & attitude was outstanding prior to & after the incident in question. I feel my fate was decided before the evidence was even looked at. I feel I had to prove my innocence instead of being proved guilty. My service after I knew I was being discharged was exceptional. I had no "I don't care attitude." I am & was very professional and abided by my sworn duty. I did not disrespect anyone, nor hurt anyone or myself during the incident or afterwards. I fought for my country in S.W. Asia. I feel I desire a record review & have my DD 214 upgraded to honorable. Thank you for your time. At least upgrade my reentry code to something more desirable.

**ATCH**

None.

10AUG05/ia

FD2005-00268



## DEPARTMENT OF THE AIR FORCE

612<sup>TH</sup> AIR BASE SQUADRON (ACG)  
AIR FORCE FORCES, JOINT TASK FORCE-BRAVO  
SOTO CANO AIR BASE, REPUBLIC OF HONDURAS  
APO AA 34042

MEMORANDUM FOR AMN [REDACTED]

1 Jun 04

FROM: 612 ABS/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 AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.
2. My reason for this action is:
  - a. On or about 29 Mar 04, you made a false statement to Criminal Investigation Division Officer. As a result, you received an Article 15 dated 27 Apr 04 (Tab A).
  - b. On or about 16 Feb 04, you wrongfully used a controlled substance. As a result, you received an Article 15 dated 27 Apr 04, second specification. (Tab A).
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 United States 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).
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 [REDACTED] at Quinn the Bar, on 22 Apr, at \_\_\_\_\_ 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 4 JUNE 04 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 Medel on 2 Jun at 0930 hrs for the examination.
8. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, building 433, room \_\_\_\_\_, at \_\_\_\_\_ hours on 1 Jun 04 for the outprocessing briefing.
9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use at Area Defense Counsel's office.
10. Execute the attached acknowledgment and return it to me immediately.



Lt Col, USAF

Commander

## Attachments:

1. Supporting Documents: AF Form 3070, Record of Nonjudicial Punishment Proceedings, 27 Apr 04, Response to Offer of Nonjudicial Punishment, and supporting evidence (27 pgs).
2. Receipt of Notification Memorandum.