

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST, MIDDLE INITIAL)	GRADE AB	AFCOM #
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A92.21	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 29 Dec 2005	CASE NUMBER FD-2005-00269	
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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 THE BOARD PRESIDENT:

DATE: 12/29/2005

TO: SAE 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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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2005-00269

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 received a General Discharge for Drug Abuse.

Applicant contends that since his discharge he has avoided any situations that may have negative repercussions, has held three jobs requiring initial and subsequent drug screenings and has passed every screening with no complications, is in compliance with his agreement to reimburse DFAS for the unsuccessful completion of his six year enlistment bonus contract, and realizes that he made a huge mistake during his tour of duty with the Air Force and has turned his life around and moved it in a positive direction. The DRB was pleased to see that the applicant was doing well and moving on with his life; however, this is not a matter of inequity or impropriety which would warrant an upgrade. The records indicated the applicant received two Article 15s, one for wrongfully using marijuana and for wrongfully using Corciden, and the other for failing to go at the time prescribed to his appointed place of duty and for willfully disobeying a lawful command, a Letter of Reprimand for damaging government property, injuring his hand, fleeing the scene of the crime, and refusing to answer questions, and one Record of Individual Counseling for failing a monthly dorm room inspection. 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Eglin AFB, FL on 30 Dec 03 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge and to Change the RE Code Discharge.

2. **BACKGROUND:**

a. DOB: 10 Jul 83. Enlmt Age: 17 8/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-35, E-39, G-36, M-41. PAFSC: 2A631D - Aerospace Propulsion Apprentice. DAS: 11 Apr 02.

b. Prior Sv: (1) AFRes 30 Mar 01 - 09 Oct 01 (6 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Nov 01 for 6 yrs. Svd: 02 Yrs 01 Mo 21 Das, all AMS.

b. Grade Status: AB - 06 Nov 03 (Article 15, 06 Nov 03)
A1C - 23 Nov 01

c. Time Lost: None.

d. Art 15's: (1) 06 Nov 03, Eglin AFB, FL - Article 112a. You did, within the continental United States, between on or about 01 Aug 03 and on or about 31 Aug 03, wrongfully use marijuana. Article 134. You did, within the continental United States, between on or about 01 Apr 03 and on or about 30 Apr 03, wrongfully use Corciden. Reduction to AB, forfeiture of \$575.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

(2) 07 Oct 03, Eglin AFB, FL - Article 86. You did, on or about 20 Sep 03, without authority, fail to go at the time prescribed to your appointed place of duty. Article 91. You, having received a lawful command from CMSgt [REDACTED] a senior noncommissioned officer, then known by you to be a senior noncommissioned officer, to "not leave the Fort Walton Beach, Crestview, and Niceville, Florida areas under any circumstances without prior approval from the first sergeant or commander," or words to that effect, an order which it was your duty to obey, did, on or about 20 Sep 03, willfully disobey the same. Suspended reduction to AB. Restriction to the limits of Eglin AFB, FL for 60 days, and a reprimand. (No appeal) (No

mitigation)

- e. Additional: RIC, 05 NOV 03 - Failed monthly dorm room inspection.
LOR, 24 OCT 03 - Damaging government property, and injuring hand. Fleeing the scene of the crime, and refusing to answer questions.
- f. CM: None.
- g. Record of SV: 10 Oct 01 - 15 Apr 03 Eglin AFB 4 (HAF Dir)
- h. Awards & Decs: NDSM, AFTR.
- i. Stmt of Sv: TMS: (02) Yrs (08) Mos (01) Das
TAMS: (02) Yrs (01) Mos (21) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 06 Jul 05.
(Change Discharge to Honorable, and Change the RE Code.)

Issue 1: I am requesting a change of discharge from a General to an Honorable discharge. Since my discharge from the Air Force I have avoided any situations that may have negative repercussions. I have held 3 jobs since my discharge. Each position required an initial and subsequent spontaneous (sic) drug screening. As of this date, I have passed every screening with no complications. I am in compliance with my agreement to pay DFAS back for my unsuccessful completion of my 6 year enlistment bonus contract. I have made every attempt to improve my life. I realize I made a huge mistake during my tour of duty in the Air Force. I hope if the Board will grant me a Honorable Discharge this will be a way to improve the mistake I made and improve my life. I have totally turned my life around, and have moved it in a positive direction. Given the present situation, I would greatly appreciate a reassessment of my discharge status.

ATCH
None.

10AUG05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 33D FIGHTER WING (ACC)
EGLIN AIR FORCE BASE, FLORIDA

FD2005-00269

09 DEC 2003

MEMORANDUM FOR AB [REDACTED]

FROM: 33 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, drug abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

You did, within the continental United States, between on or about 1 August 2003 and on or about 31 August 2003, wrongfully use marijuana. You did, within the continental United States, between on or about 1 April 2003 and on or about 30 April 2003, wrongfully use Coriciden. For these offenses, you received nonjudicial punishment, dated 6 November 2003.

3. Although I am recommending your discharge for drug abuse, I am also forwarding the following information to the separation authority for consideration when determining your service characterization.

a. You did, at Eglin Air Force Base, Florida, on 5 November 2003, fail your monthly room inspection conducted by the 33 MXS. The appearance/condition of your room was unacceptable at the time of the inspection. For this offense, you received a record of individual counseling, dated 5 November 2003.

b. On or about 10 October 2003, at Dorm 17A, second floor, adjacent to the dayroom, you willfully damaged military property, to wit: placed your right fist through the exit door reinforced glass window, breaking the glass and injuring your hand. You then fled the scene of the crime and refused to answer any questions after being advised of your rights. For this offense, you received a letter of reprimand, dated 24 October 2003.

c. You did, at Eglin Air Force Base, Florida, on or about 20 September 2003, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 17. You, having received a lawful command from [REDACTED] a senior noncommissioned officer, then known by you to be a senior noncommissioned officer, to "not leave the Fort Walton Beach, Crestview, and Niceville, Florida area under any circumstances without prior approval from the first sergeant or commander," or words to that effect, an order which it was your duty to obey, did at or near Eglin Air Force Base, Florida, on or about

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20 September 2003, willfully disobey the same. For these offenses, you received nonjudicial punishment, dated 7 October 2003.

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial (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. Special pay, bonuses, or education assistance funds may be subject to recoupment.
5. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult Capt [REDACTED] at Building 451, on **10 December 2003 at 1400 hours**. You may consult civilian counsel at your own expense.
6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays from today unless you request and receive an extension for good cause shown. I will send them to the separation authority.
7. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.
8. You will complete a medical examination with the 96th Medical Group, Force Health Management Section, on **10 December 2003 at 0715 hours**.
9. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on **11 December 2003 at 0930 hours**. Immediately after your briefing, you are to report to the 96th Traffic Management Office to schedule your TMO pickup. If you have household goods, they must be picked up before **19 December 2003**.
10. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on **16 December 2003 at 0755 hours**.
11. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available in your unit orderly room for your use.

[REDACTED]
[REDACTED]
[REDACTED]

Major, USAF

Commander

Attachments:

1. Supporting Documents
2. Airman's Acknowledgment