

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME (OF SERVICE MEMBER / CASE NUMBER / INITIAL)	GRADE AB	AFSN/SSAN
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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 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 27 Dec 2005	CASE NUMBER FD-2005-00286	
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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 BOARD PRESIDENT

INDORSEMENT **DATE: 12/28/2005**

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, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00286

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 there were mistakes made and lessons learned throughout his experience serving in the Air Force and that he is prepared to go to school and better himself and would appreciate a second chance in life. The DRB was pleased to see that the applicant was doing well and moving on with his life; however, no inequity or impropriety in his discharge was suggested or found. The records indicated the applicant received two Article 15s, one for twice failing to go at the time prescribed to his appointed place of duty and one for, on divers occasions, wrongfully using marijuana, five Letters of Reprimand for misconduct to include involvement in a physical and verbal altercation with a local national security guard, reporting to duty unshaven, exhibition driving in dormitory parking lots, failure to go, and sleeping on duty, two Letters of Counseling, one for financial irresponsibility and one for failing to follow guidance to prevent wind damage to a government vehicle, and one Letter of Admonishment for failure to go. 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 SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Altus AFB, OK on 17 Sep 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 24 Nov 81. Enlmt Age: 17 5/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-48, E-44, G-52, M-41. PAFSC: 3P051 - Security Forces Journeyman. DAS: 03 Dec 99.

b. Prior Sv: (1) AFRes 20 Feb 99 - 20 Jul 99 (5 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 21 Jul 99 for 4 yrs. Svd: 03 Yrs 01 Mo 27 Das, all AMS.

b. Grade Status: AB - 10 Apr 02 (Vacation of Article 15, 10 Jun 02)
Amn - 10 Apr 02 (Article 15, 10 Apr 02)
SrA - 21 Nov 01

c. Time Lost: None.

d. Art 15's: (1) 11 Jun 02, Vacation, Altus AFB, OK - Article 86. You did, on or about 18 May 02, without authority, fail to go at the time prescribed to your appointed place of duty. You did, between on or about 22 May 02 and on or about 23 May 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB. (No appeal) (No mitigation)

(2) 10 Apr 02, Altus AFB, OK - Article 112a. You, did, within the continental United States, on divers occasions, between on or about 1 Dec 01 and on or about 3 Feb 02, wrongfully use marijuana. Reduction to AB (but that portion of the reduction below Airman, suspended). Reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 19 FEB 02 - Reporting to duty unshaven.
LOC, 18 SEP 01 - Failing to follow guidance pertaining to preventing wind damage to vehicle doors.
LOC, 06 JUN 01 - Financial irresponsibility.
LOR, 17 MAY 01 - Involvement in a physical and verbal altercation with local national security guard.

LOR, 20 SEP 00 - Exhibition driving in dormitory parking
lots.
LOR, 16 SEP 00 - Failure to go.
LOA, 15 SEP 00 - Failure to go.
LOR, 30 MAY 00 - Sleeping on duty.

f. CM: None.

g. Record of SV: 21 Jul 99 - 26 Jan 01 Altus AFB 4 (HAF Dir)
27 Jan 01 - 26 Jan 02 Altus AFB 4 (Annual)

h. Awards & Decs: AFTR, NDSM, AFOUA W/1 DEV.

i. Stmt of Sv: TMS: (03) Yrs (06) Mos (28) Das
TAMS: (03) Yrs (01) Mos (27) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Jun 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

22AUG05/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and social security number on each document.)

- a. Will not be submitted. Please complete review based on available service records. **FD 2005 00286**
- b. Will be submitted within 60 days.
- c. Will be submitted within _____ days.
- d. Are listed below and are attached to this application: (Continue on a plain sheet of paper if more space is needed.)

- (1) DOCUMENT 1: **Letter [Redacted] (Me) explaining my case**
- (2) DOCUMENT 2:
- (3) DOCUMENT 3:

8. **ISSUES.** The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board also will review the case to determine whether there are any issues which provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Read the instructions carefully that pertain to block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

ISSUE 1:
 The Undesirable Discharge was proper at the time because I got what I deserved for my actions. I have learned from that and would appreciate a second chance not with the military but with life.

ISSUE 2:

ISSUE 3:

ISSUE 4:

- a. Mark this block if you have listed additional issues as an attachment to this application.
- b. I previously submitted an application on (Enter Date) and I am completing this form in order to submit additional issues.
- c. The above issues supersede all previously submitted.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides a penalty as follows: A maximum fine of \$10,000 or maximum imprisonment of 5 years, or both)

a. DATE (Year, Month, Day) 05/16/24	b. SIGNATURE [Redacted]
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UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
CO, USARPAC 9700 Page Blvd. St. Louis, MO 63132-5200	NAVAL Discharge Review 801 No. Randolph St. Arlington, VA 22203-1991	AFMPC/MPCDOA1 Randolph AFB, TX 78150-6001	Commandant (G-PE-1) U.S. Coast Guard Hdq Washington, DC 20593-0001

14 JULY 2005

To whom it may be concern:

While serving in the United States Air Force, I began to realize whom I was and what I wanted to do in life. I was youthful in mind and age, but I felt the need to soar into my independency and this is why I joined the air force. I thought this would allow me to fully mature and be able to make the right decisions in life. My military career did not work out as planned. There were mistakes made and lessons learned throughout my experience serving in the air force.

September 17, 2002 I was discharged from the air force, which intern changed my life? This made me realizes that I had to take action and get back on the right path. I do not regret my decision in joining the Air Force because while enlisted, I received several high-quality values instilled in me along with excellent and unpleasant experiences. I recently moved to California to be closer to my mother because she is in her final moments. While here the opportunity of school was presented before me and I've been waiting for this since high school. I recently enrolled in Sacramento City College to further my education.

I'm prepared to go to school and better myself, but there is an obstacle in front of me, which is the reason why I am writing this letter today. I am asking that my discharge be changed to honorable so that I can afford this opportunity and take on this next challenge in my life. Thank you for your time, and once again thank you in advance.

Respectfully Submitted





DEPARTMENT OF THE AIR FORCE
97th AIR MOBILITY WING
ALTUS AIR FORCE BASE OKLAHOMA

FD 2005-00286

PC

27 Aug 2002

MEMORANDUM FOR AB [REDACTED]

FROM: 97 SFS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for drug abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, Section 5H, paragraph 5.54. If you are discharged your service may be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action are: Within the continental United States, on divers occasions, between on or about 1 Dec 01 and on or about 3 Feb 02, you wrongfully used marijuana. For this misconduct you received an Article 15, which was placed in your unfavorable information file, and administrative discharge was initiated.
3. Other derogatory information:
 - a. On or about 18 May 02 and between on or about 22 May 02 and on or about 23 May 02, you failed to go to your appointed place of duty. You received a vacation of your suspended reduction to airman basic.
 - b. On or about 19 Feb 02, you reported to duty unshaven, you were ordered to shave by your flight sergeant on 18 Feb 02. For this misconduct, you received a letter of reprimand (LOR).
 - c. On or about 15 Aug 01, you failed to follow guidance pertaining to preventing wind damage to vehicle doors. For this misconduct, you received a letter of counseling (LOC).
 - d. On or about 5 Jun 01, you failed to pay your Government Travel Card. For this misconduct, you received an LOC.
 - e. On or about 23 Feb 01, you were involved in a physical and verbal altercation with a local national security guard in Manta, EC. For this misconduct, you received an LOR.
 - f. On or about 15 Sep 00, you were cited for exhibition driving in the dormitory parking lot. For this misconduct, you received an LOR.
 - g. On or about 13 Sep 00, you failed to go to a scheduled ergo testing appointment. For this misconduct, you received an LOR.
 - h. On or about 5 Sep 00, you failed to go to a scheduled CDC pretest appointment. For this misconduct, you received a letter of admonishment.

i. On or about 26 May 00, you were caught sleeping on duty. For this misconduct, you received an LOR.

4. 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 funds may be subject to recoupment.

5. 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 the Area Defense Counsel at Building 52 on 0900hrs at 19 Aug 02. 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 by 0900hrs 20 Aug 02 (duty days) 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 in your own behalf, your failure will constitute a waiver of your right to do so.

8. You have been scheduled for a medical examination. You must report to the base hospital, (family practice/physical exams), at 0740 on 28 Aug 02.

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 in the unit orderly room.

10. Execute the attached acknowledgment and return it to me immediately.


Capt, USAF

Commander

Attachments:

1. Supporting Documents
 - a. Article 15 w/atch, dated 10 Apr 02
 - b. Vacation action w/atch, dated 11 Jun 02
 - c. LOR, dated 19 Feb 02
 - d. LOC, dated 18 Sep 01
 - e. LOC, dated 6 Jun 01
 - f. LOR, dated 17 May 01
 - g. LOR, dated 20 Sep 00
 - h. LOR, dated 16 Sep 00
 - i. LOA, dated 15 Sep 00
 - j. LOR, dated 30 May 00
2. Airman's Receipt of Notification Letter