

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		GRADE AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>																																				
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HEARING DATE 21 Nov 2006		CASE NUMBER FD-2003-00281																																					
<p>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</p> <p>Case heard in 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> <p>* Reason and Authority + Reenlistment Code</p> <div style="border: 1px dashed black; height: 40px; width: 100%;"></div>																																							
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

CASE NUMBER

FD-2003-00281

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, 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, change of reason and authority for 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 states he has matured over the last four years and cites his desire for reenlistment into the armed services. The records indicated the applicant received an Article 15 and a Vacation for misconduct. The applicant received an Article 15 for stealing a pack of cigarettes from AAFES. He received a suspended reduction to Airman Basic, forfeiture of pay for two months and 21 days of extra duty. The Vacation action was for illegal use of marijuana and failure to obey a direct order from military police. 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 USAF Pope AFB NC on 24 Sep 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Disch.

2. **BACKGROUND:**

a. DOB: 1 Aug 83. Enlmt Age: 17 3/12. Disch Age: 19 1/12. Educ: HS DIPL. AFQT: N/A. A-57, E-49, G-55, M-44. PAFSC: 4B031 - Bioenvironmental Engineering Apprentice. DAS: 12 Dec 01.

b. Prior Sv: (1) AFRes 06 Nov 00 - 18 Jun 01 (7 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Jun 01 for 4 years. Svd: 01 Yrs 03 Mo 06 Das, all AMS.

b. Grade Status: AB - 22 May 02, (Vacation of Suspension, 4 Sep 02)
Amn - 19 Dec 01

c. Time Lost: None.

d. Art 15's: (1) 04 Sep 02, Vacation, Fort Bragg, NC - Article 112a. You, did, within the continental US, between on or about 1 Jun 02 and on or about 23 Jun 02, wrongfully use marijuana. Article 92. You, having knowledge of a lawful order issued by Sgt [REDACTED], Fort Bragg Military Police, to wit: to directly report to either gate entering Pope AFB, an order which it was your duty to obey, did, at or near Fayetteville, NC, on or about 23 Jun 02, fail to obey the same by not reporting to a gate on Pope AFB. Reduction to AB, (No appeal) (No mitigation)

(2) 22 May 02, Fort Bragg, NC - Article 121. You, did, on or about 29 Apr 02, steal a pack of cigarettes, of a value of less than \$100, the property of Army and Air Force Exchange Service (AAFES) Shopette. Suspended Reduction to AB. Forfeiture of \$50 pay per month for 2 months, 21 days extra duty and Reprimand. (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: (01) Yrs (10) Mos (19) Das
TAMS: (01) Yrs (03) Mos (06) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 2 May 06.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I would like to upgrade my reenlistment code because I am interested in serving the U. S. Armed Forces again in their greatest time of need. I have matured over the past four years and I know I will be a great asset to my country. Please upgrade my reentry code to an acceptable code for reenlistment in any branch of service.

ATCH

None.

24May06/day



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 43D AIRLIFT WING (AMC)
POPE AIR FORCE BASE NORTH CAROLINA

18 Sept 2002

MEMORANDUM FOR AB: [REDACTED], 43 MDOS

FROM: 43 MDOS/CC
379 Maynard Street
Pope AFB NC 28308

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. This action could result in your separation with an under other than honorable conditions discharge, if the convening authority determines such characterization is warranted and directs initiation of a discharge board. I am recommending that your service be characterized as general.
2. My reason for this action is between on or about 1 Jun 02 and on or about 23 Jun 02, you did, within the continental United States, wrongfully use marijuana, as documented by an AF Form 366, Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dated 4 Sep 02.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The 43d Airlift Wing Commander, who exercises SPCM jurisdiction, or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.
4. You have a right to consult counsel. Military legal counsel has been obtained to assist you. Contact SSgt White (394-2362) at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult Capt Wirtanen, the Area Defense Counsel. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.
5. You have the right to submit a statement on your own behalf. Any statements you want the separation authority to consider must reach me by 23 Sept 02 at 0945 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 on your own behalf within three days**, your failure will constitute a waiver of your right to do so.

7. 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 the orderly room.



Commander

Attachment:

AF Form 366, dated 4 Sep 02