

**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 A1C	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
---	--------------	---

<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
-----------------	----------	----------------------------	----------------------

<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	<b>X</b>	

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

ISSUES A01.31 A01.25 A92.17	INDEX NUMBER A66.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE IIE</td></tr> </table>	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 IIE
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 IIE															

HEARING DATE <b>17 Nov 2006</b>	CASE NUMBER <b>FD-2004-00272</b>	
------------------------------------	-------------------------------------	--

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in 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.

\* Reason and Authority  
 + Reenlistment Code

<b>INDORSEMENT</b>	<b>DATE: 12/5/2006</b>
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-2004-00272

**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 appeared and testified before the Discharge Review Board (DRB), without counsel, at Travis AFB, CA, via video-teleconference with Andrews AFB on 17 Nov 2006.

The following additional exhibits were submitted at the hearing:

Exhibit 5: Resume

Exhibit 6: (8) Training Certificates

Exhibit 7: FBI Complaint

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:**

Issue 1. Applicant contends there was an impropriety in his discharge from the Air Force. He contends his discharge was improper because the evidence surrounding his discharge was circumstantial. This issue is without merit. The records indicated the applicant received a Letter of Reprimand for wrongful possession and use of marijuana, following which the discharge action was pursued. 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.

Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented his performance reports, letters of commendation and other information contained in the records. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons that were the basis for this case.

Issue 3. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on November 6, 1992) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Charleston AFB, SC on 21 Jun 95 UP AFI 36-3208, para 5.54 (Drug Abuse). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 12 Apr 69. Enlmt Age: 23 2/12. Disch Age: 26 2/12. Educ: HS DIPL. AFQT: N/A. A-83, E-69, G-78, M-39. PAFSC: 3S031 - Personnel Apprentice. DAS: 21 Feb 93.

b. Prior Sv: (1) AFRes 25 Jun 92 - 26 Oct 92 (4 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as 27 Oct 92 for 4 yrs. Svd: 1 Yrs 7 Mo 25 Das, all AMS.

b. Grade Status: A1C - 27 Feb 94  
AMN - 27 Apr 93

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 04 MAY 95 - Drug abuse.

f. CM: None.

g. Record of SV: 27 Oct 92 - 26 Jun 94 Charleston AFB 4 (Initial)

h. Awards & Decs: AFAM, AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (11) Mos (26) Das  
TAMS: (2) Yrs (7) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Jul 04.

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

ISSUES: This discharge is improper because the evidence for my discharge was circumstantial. The supporting witness was already in trouble with the OSI authorities and under investigation. (See OSI Report of Investigation #94310 D117-S758735 Amn: .....; Page 4 of my OSI Report of Investigation 94 10D17-S758735 page 3-3). Also, this Airmen just wanted to go home due to him being so far from home. As an added measure my record, up to me being

investigated, was outstanding, (Honor guard w/Achievement Medal, praise from MAJCOM & etc...see achievements) thus senseless grounds for discharge. My current progression in life shows me trying to better myself and live a productive life.

With this discharge, I will be able to use my Montgomery GI Bill. I would also like to request that box 26 (Seperation (sic) code), box 27 (reentry code) & 28 (Narrative reason for seperation (sic)) be reviewed if my discharge is upgraded.

Finally, I'd like to get an appeal or extension of the 10 year limit to use your GI Bill. I did not know that I would be unable to use it.

**ATCH**

1. DD Forms 214.
2. HQ AMC/DPAET Message.
3. AF Form 931, Airman Performance Feedback Worksheet.
4. Air Force Achievement Medal.
5. Smith Kline Beecham Clinical Laboratory Results.
6. Two Certificates of Achievement.
7. Six Training Certificates.
8. Letter of Reprimand, 17 Feb 95.
9. Withdrawal of Letter of Reprimand, 4 Apr 95.
10. Memorandum For 437 MSS/CC, Requested Statement.
11. Letter of Reprimand, 4 May 95.
12. Response to Letter of Reprimand, 22 May 95.
13. Receipt of Notification Memorandum.
14. Notification Memorandum.
15. Report of Investigation.
16. AF Form 1168.
17. Legal Review, 9 Jun 95.
18. Memorandum For 437 MSS/MSMUR, 9 Jan 95.

25OCT04/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 437TH AIRLIFT WING (AMC)

FD 2004-00272

MEMORANDUM FOR A1C [REDACTED] 437 MSS 5 June 1995

FROM: 437 MSS/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 36-62 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action is: On or about 17 December 1994, you wrongfully used marijuana. This misconduct is evidenced by a Letter of Reprimand dated 4 May 1995 (Atch 1) and a Office of Special Investigations Report dated 6 February 1995 (Atch 2).

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 Captain [REDACTED] at Area Defense Counsel, Building 503, Room 119 on 5 June 1995 at 0930. 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 8 Jun 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 have been scheduled for a medical examination. You must report to 437th Medical Group, Physical Exams at 0715 on 8 June 1995 for the examination.

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 437th Mission Support Squadron Orderly Room.

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

[Redacted Signature Box]

Commander

**Attachments:**

1. Letter of Reprimand, dated 4 May 95
2. OSI Report, dated 6 Feb 95
3. Airman's Receipt of Notification Memorandum (withdrawn)