

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

(INITIAL)

GRADE

AB

TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	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	A93.09	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	04 Jan 2006	CASE NUMBER	FD-2005-00236
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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.

SIGNATURE OF RECORDED

INDORSEMENT

DATE: 1/4/2006

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-2005-00236

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 does not contest his discharge. He just wants the GI Bill. The records indicated the applicant received an Article 15 for wrongfully using marijuana on divers occasions. 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. 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) 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Luke AFB, AZ on 12 Aug 03 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 3 May 80. Enlmt Age: 20 7/12. Disch Age: 23 3/12. Educ: HS DIPL. AFQT: N/A. A-65, E-55, G-62, M-42. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 20 Aug 01.

b. Prior Sv: (1) AFRes 28 Dec 00 - 29 Jan 01 (1 month 2 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 30 Jan 01 for 6 yrs. Svd: 2 Yrs 6 Mo 14 Das, all AMS.

b. Grade Status: AB - 16 Jul 03 (Article 15, 16 Jul 03)
A1C - 16 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 16 Jul 03, Luke AFB, AZ - Article 112a. You, did, within the continental United States, on divers occasions, between on or about 01 Jul 02 and on or about 2 Jun 03, wrongfully use marijuana. Reduction to AB, forfeiture of \$575.00 pay per month for two months, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 30 Jan 01 - 29 Sep 02 Luke AFB 5 (Initial)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (07) Mos (15) Das
TAMS: (02) Yrs (06) Mos (14) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 09 Jun 05.
(Change Discharge to Honorable)

Issue 1: For education reasons (GI Bill).

ATCH
None.

21JUL05/ia



DEPARTMENT OF THE AIR FORCE
756th Aircraft Maintenance Squadron (AETC)
Luke Air Force Base, Arizona

FD 2005-00231

DATE: AUG 1 2003

MEMORANDUM FOR

FROM: 756 AMXS/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 AFPD 36-32 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 reason for this action is that between 1 Jul 03 and 2 Jul 03, you wrongfully used marijuana. For this misconduct you received an Article 15, dated 16 Jul 03. Your punishment included reduction to E-1, Forfeiture of \$575.00 pay per month for 2 months and 45 days extra duty. An Unfavorable Information File was established.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation will be provided to you. The commander exercising special court-martial 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.
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 the Area Defense Counsel, Building 1150, Suite 3015, Luke Air Force Base, Arizona, on 4 Aug 03 at 1000 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 6 Aug 03, unless you request and receive, in writing, an extension for good cause. I will send any statements you submit 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 retrieve your medical records from 56th Medical Group Hospital Outpatient Records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this discharge file for the medical examination.

8. 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 your unit orderly room.

9. Sign the attached acknowledgment and return it to me immediately.

Commander