

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST, MIDDLE INITIAL)		GRADE AB					
TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No						
	X						
MEMBER SITTING			VOTE OF THE BOARD				
			HON	GEN	UOTHIC	OTHER	DENY
							X
							X
							X
							X
ISSUES A92.01		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 23 Jan 2006		CASE NUMBER FD-2005-00250					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
<p>Case heard via video-teleconference between St. Augustine FL and Andrews AFB, MD.</p> <p>Advise applicant of the decision of the Board 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>							
INDORSEMENT			DATE: 1/23/2006				
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

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video-conference between St Augustine, FL and Andrews AFB, MD on 23 January 2006.

The applicant submitted no additional documents at the hearing.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of 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. 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 by his performance reports, awards and decorations and other accomplishments. They found the seriousness of the willful misconduct offset the positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr MacDill AFB, FL on 11 Feb 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Jun 78. Enlmt Age: 19 0/12. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-67, E-30, G-50, M-24. PAFSC: 3E751 - Fire Protection Journeyman. DAS: 29 Jun 01.

b. Prior Sv: (1) AFRes 10 Jul 97 - 21 Oct 97 (3 months 12 days)(Inactive).

(2) Enlisted as AB 22 Oct 97 for 4 yrs. Svd: 03 yrs 07 months 06 days, all AMS. AMN - 22 Apr 98. A1C - 22 Feb 99. SrA - 22 Oct 00. EPRs: 5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 29 May 01 for 4 yrs. Svd: 00 Yrs 08 Mo 13 Das, all AMS.

b. Grade Status: AB - 21 Dec 01 (Article 15, 21 Dec 01)

c. Time Lost: None.

d. Art 15's: (1) 21 Dec 01, Ramstein AB, Germany - Article 92. You, who knew or should have known of your duties, between on or about 25 Jul 01, and on or about 22 Nov 01, were derelict in the performance of your duties in that you negligently failed to repay your government travel card, as it was your duty to do. Article 112a. You did, within the state of Florida, on divers occasions, between on or about 1 Aug 00 and on or about 31 Jan 01, wrongfully use marijuana. Reduction to AB, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 10 May 01 - 02 Jan 02 Chievres AB 2 (Cmdr Dir)REF

h. Awards & Decs: AFAM W/1 DEV, AFTR, AFLSAR, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (04) Yrs (07) Mos (02) Das
TAMS: (04) Yrs (03) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Jun 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

28JUL05/ia

To Whom It May Concern:

My name is _____ I am writing in regards to my discharge from the United States Air Force. On February 11, 2002 I was discharged for misconduct with Under Honorable Condition (General). I know that my actions at the time were unacceptable and not tolerated. I deeply regret the things I did and would do anything to have those days back. Unfortunately, we all know life does not work like that.

I would however, like the board to also look at my file and you will see that my accomplishments outweigh my failures. I represented the Air Force for four (4) years as a firefighter **honorably**. I received the Air Force Achievement Medal with (1) device; Air Force Training Ribbon; Air Force Longevity Service Medal; Air Force Outstanding Unit Award and Air Force Good Conduct Medal.

Also I would like the board to know that I did not let the discharge discourage me from continuing my education and advancement in the fire service. A couple of months later I was offered a job as a firefighter for Rural Metro FD at Sikorsky Aircraft in West Palm Beach.

Finally, I would like to thank the board for reviewing my file and giving me the chance to defend my status as an Honorable Airmen. I would truly appreciate it if the board would upgrade my discharge to Honorable.

Sincerely,





DEPARTMENT OF THE AIR
86TH AIRLIFT WING (USAF)

22 January 2002

MEMORANDUM FOR AB

, Det 1, 86 OG

FROM: Det 1, 86 OG/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 you wrongfully used marijuana, a Schedule I controlled substance. For this incident, you received nonjudicial punishment dated 21 December 2001. Additionally, an unfavorable information file (UIF) was established (Atch 1a).
3. 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 USAF, 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 with _____, Area Defense Counsel, Ramstein AB, GE, Building 2111, DSN 480-2182/2492 on 23 JAN 02 at 1030 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 25 JAN 2002 at 1200 hours 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 in your own behalf, your failure will constitute a waiver of your right to do so.

FD2005-00250

7. You have been scheduled for a medical examination. You must report in uniform with your medical records and an escort to the SHAF Clinic on 22 JAN 2002 at 1100 hours for the evaluation. If an examination is required, tell the doctor you need a "separation" physical examination. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.

8. Although not a reason for discharge, your nonjudicial punishment also included misconduct in which you failed to repay your government travel card.

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 orderly room.

Lt Col, USAF

Commander, Det 1 86 OG

Attachments:

1. Supporting Documents: Nonjudicial punishment, 21 Dec 01
2. Airman's Receipt of Notification Memorandum