

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST, MIDDLE INITIAL) _____ GRADE _____
 AMN _____

TYPE GEN _____ PERSONAL APPEARANCE _____ X 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	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES	A92.03 A92.02	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	13 Feb 2006	CASE NUMBER	FD-2005-00279	
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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 BOARD MEMBER

INDORSEMENT		DATE: 2/15/2006
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-2005-00279

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 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, decorations and other accomplishments. The records indicated the applicant received an Article 15 for marijuana use. The Board discussed the Air Force policy on drug abuse. 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 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Moody AFB, GA on 28 Dec 04 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 14 Mar 80. Enlmt Age: 22 4/12. Disch Age: 24 9/12. Educ: HS DIPL. AFQT: N/A. A-35, E-49, G-46, M-35. PAFSC: 3P031 - Security Forces Apprentice. DAS: 12 Jul 03.

b. Prior Sv: (1) AFRes 7 Aug 02 - 3 Feb 03 (5 months 28 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 Feb 03 for 4 yrs. Svd: 01 Yrs 10 Mo 25 Das, all AMS.

b. Grade Status: Amn - 29 Nov 04 (Article 15, 29 Nov 04)
A1C - 04 Jun 04
Amn - 04 Aug 03

c. Time Lost: None.

d. Art 15's: (1) 29 Nov 04, Moody AFB, GA - Article 112a. You, did, at or near Moody AFB, GA, from about 14 Sep 04 to about 13 Oct 04, wrongfully use marijuana. Reduction to Airman, 14 days restriction to base, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFAM W/1 OLC, AFTR, NDSM, AFEM w/1 Device.

i. Stmt of Sv: TMS: (02) Yrs (04) Mos (22) Das
TAMS: (01) Yrs (10) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Jun 05.
(Change Discharge to Honorable)

Issue 1: I am requesting a discharge upgrade from general to honorable. I have served two tours of duty in Iraq. I unfortunately experimented with



DEPARTMENT OF THE AIR FORCE
824TH SECURITY FORCES SQUADRON
MOODY AIR FORCE BASE, GEORGIA

FD2005-00 279

DEC 16 2004

MEMORANDUM FOR AMN

FROM: CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: 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 an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.
2. My reason for this action is: From about 14 Sep 04 to about 13 Oct 04, you wrongfully used marijuana. For this offense you received reduction to the grade of Airman, restriction to the limits of Moody AFB, Georgia, for 14 days, and 14 days extra duty as evidenced by an Article 15, dated 29 Nov 04. (See Atch 1)
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 higher authority will decide whether you will be discharged or retained in the United States 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 assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).
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 Captain _____ at 5107 Austin Ellipse, on 16 Dec 04, at 11:30 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by three days from this notification 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, your failure will constitute a waiver of your right to do so.
7. You have been scheduled for a medical examination. You must report to Public Health, Building 970 on 17 Dec 04, at 0730 hours for the examination. Bring your medical records
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 at 347 RQW/JA.

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

Commander , Capt, USAF

Attachments:

1. AF Form 3070, dated 29 Nov 04
2. Receipt of Notification Memorandum