

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

INITIAL)

GRADE

AIC

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

ISSUES

A92.21

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

CASE NUMBER

14 Feb 2006

FD-2005-00285

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.

INDORSEMENT

DATE: 2/16/2006

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-2005-00285

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE: Applicant contends that his discharge should be upgraded because of his post-service activities. The records indicated the applicant received an Article 15 for misconduct. The misconduct included wrongfully using marijuana on divers occasions. The Board discussed the Air Force policy on drug abuse. The DRB concluded the misconduct was a significant departure from conduct expected of all military members. The Board was pleased to see that the applicant was doing well and has enrolled in college. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. 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

(Former A1C) (HGH SRA)

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

2. **BACKGROUND:**

a. DOB: 8 Feb 83. Enlmt Age: 18 0/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-51, E-42, G-33, M-22. PAFSC: 3E151 - Heating, Ventilation, Air Conditioning and Refrigeration Journeyman. DAS: 21 Mar 02.

b. Prior Sv: (1) AFRes 23 Feb 01 - 13 Aug 01 (5 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Aug 01 for 6 yrs. Svd: 03 Yrs 03 Mo 18 Das, all AMS.

b. Grade Status: A1C - 02 Sep 04 (Article 15, 02 Sep 04)
SrA - 28 Jul 03
A1C - 28 Sep 01

c. Time Lost: None.

d. Art 15's: (1) 2 Sep 04, Langley AFB, VA - Article 112a. You, did, at or near the Commonwealth of Virginia, on divers occasions between on or about 1 Oct 02 and on or about 15 Apr 04, wrongfully use marijuana. Reduction to Airman. Suspended forfeiture of \$300.00 pay per month for 2 months. Forty five days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: (Examiner's Note: Two EPRs listed on Legal Review and Recommendation for Discharge. April 03 with a rating of 5, and April 04 with a rating of 5. Both are missing from file).

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (09) Mos (08) Das
TAMS: (03) Yrs (03) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Jul 05.
(Change Discharge to Honorable)

(Change Discharge to Honorable)

Issue 1: I don't think the discharge I received was improper or iniquitable, but the reason I think it should be up-graded is because of my continuous effort of bettering myself and futnering (sic) my education. Thank you for your consideration!!

ATCH

1. College Admittance Letter.

19SEP05/ia



2D 2005-00285

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA

MEMORANDUM FOR

FROM: 1 CES/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, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airmen*, 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: You, did, at or near the Commonwealth of Virginia, on divers occasions from about 1 Oct 02 to on or about 15 Apr 04 wrongfully use marijuana. For this incident, you received an Article 15 with a punishment of reduction to the grade of Airman, forfeiture of \$300 pay per month for 2 months (suspended) and 45 days extra duty, dated 2 Sep 04.
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. Other derogatory data that the separation authority may consider when characterizing your service is: On 12 Apr 04, SSgt _____ received notice that you were past due on three payments on your military star card account. For this incident, you received a verbal counseling documented in a memorandum for record (MFR), dated 12 Apr 04.
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 _____ at _____, on _____, at _____ 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 _____ 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.
7. You have been scheduled for a medical examination. You must report to _____ on _____, at _____ hours for the 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 at _____.

9. Execute the attached acknowledgements and return them to me immediately.

Colonel, USAF

Commander, 1 CES

Attachments:

- 1a. Article 15, 2 Sep 04.
- 1b. MFR, 12 Apr 04.
2. Receipt of Notification Memorandum