

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

E 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	A92.21 A92.36	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-2005-00309

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.

+ RE Code
* Reason and Authority

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-2005-00309

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 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 and change of reason and authority for discharge, and change of reenlistment code are 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.

ISSUES:

1. Applicant contends his discharge was inequitable because it was based on one isolated incident. The records indicated the applicant received an Article 15 for misconduct. The misconduct included underage drinking and wrongfully inhaling nitrous oxide (huffing). The DRB discussed the Air Force drug abuse policy. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The basis and characterization of the discharge received by the applicant were found to be appropriate.

2. Applicant requests that his discharge be upgraded because of his post-service activities. The DRB was pleased to see that the applicant was doing well, has a good job, and is 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 AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Sheppard AFB, TX on 5 Nov 04 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 13 Sep 85. Enlmt Age: 18 1/12. Disch Age: 19 1/12. Educ: HS DIPL. AFQT: N/A. A-86, E-88, G-76, M-67. PAFSC: 2A513C - Integrated Avionics Systems Helper. DAS: 18 Jun 04.

b. Prior Sv: (1) AFRes 24 Oct 03 - 8 Mar 04 (4 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 9 Mar 04 for 6 yrs. Svd: 00 Yrs 07 Mo 28 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 1 Oct 04, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties at or near Wichita Falls, Texas, on divers occasions between on or about 25 Jul 04 and on or about 21 Aug 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the legal drinking age of 21, as it was your duty to do. Article 134. You did, on or about 25 Jul 04, wrongfully inhale nitrous oxide from a balloon, with the intent to become intoxicated, which conduct under the circumstances was to the prejudice of good order and discipline in the armed forces. Forfeiture of \$596.00 pay per month for 2 months. Restriction to the limits of Sheppard AFB, Texas, for 30 days. Thirty days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (00) Mos (13) Das
TAMS: (00) Yrs (07) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Jul 05.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214 (Member 1 & 4).
3. DD Form 1966.
4. College Transcript and Payment Receipt.
5. College Transcript.

15SEP05/ia

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved OMB No. 0704-0004 Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION

a. BRANCH OF SERVICE (X one) ARMY MARINE CORPS NAVY AIR FORCE COAST GUARD
b. NAME (Last, First, Middle Initial)
c. GRADE/RANK AT DISCHARGE
d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 2004-11-05
4. DISCHARGE CHARACTERIZATION RECEIVED (X one) HONORABLE GENERAL/UNDER HONORABLE CONDITIONS UNDER OTHER THAN HONORABLE CONDITIONS
5. BOARD ACTION REQUESTED (X one) CHANGE TO HONORABLE CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) CHANGE NARRATIVE REASON FOR SEPARATION TO:

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) My discharge was inequitable because it was based on one isolated incident in 9 mos. of service with no other adverse action. I am requesting a change in my discharge status from general/under honorable conditions to honorable condition for possible re-enlistment.

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.) Letter for Review, Work Info, College Acceptance Letter, DD214 member 4, DD214 member 2

9. TYPE OF REVIEW REQUESTED (X one)
X CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.
I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.)
b. TELEPHONE NUMBER (Include Area Code)
c. E-MAIL
d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.
SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)
b. TELEPHONE NUMBER (Include Area Code)
c. E-MAIL
d. FAX NUMBER (Include Area Code)

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)
CASE NUMBER (Do not write in this space.) FD 2005-00309

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)
b. DATE SIGNED - REQUIRED (YYYYMMDD) 2005 07/23

July 22, 2005

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

Dear Review Board:

Subject: APPLICATION FOR THE REVIEW OF DISCHARGE STATUS

I am writing to request a review of my discharge status from honorable under general conditions to honorably discharged. I was separated by the USAF on Nov. 05, 2004 under the honorable/general conditions. Since my discharge I have not gotten in any trouble & have been employed full time since March 2005 @ a company called

This can be verified by contacting my place of employment.

Also I have enrolled full time in college @

_____ for an associate's degree in CHEMICAL DEPENDENCY COUNSELOR. My plans are to continue on for my Masters degree. I am attaching a copy of my 1st semester schedule & acceptance letter along w/ a copy of my 1st pymt to the college for enrollment. Until I can have my discharge reviewed & hopefully changed I needed to enroll in college to better myself.

I sincerely regret what happened as I planned to make the USAF my career. I cannot express enough how sorry I am & that I wish everyday I was still in the USAF. I signed for 6 yrs with my goal to be a lifer. I have given serious thought to re-enlistment to USAF, ARMY, or MARINES & very much would like to if this is possible. I can only achieve this by having my discharge status changed from honorable/general to an honorable discharge status. What I did was stupid & intolerable. I know this an am sorry everyday. As far back as I can remember I have always wanted nothing more than to serve my country & protect all who live here.

Please review my case for a possible change to my discharge status. Thank you for your time concerning this matter.

Sincerely,



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2005-00 309

OCT 28 2004

MEMORANDUM FOR AB.

365 TRS

FROM: 365 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for drug use. 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 under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reason for this action is:

a. You did, at or near Sheppard AFB, TX on or about 25 Jul 04, wrongfully inhale nitrous oxide from a balloon, with the intent to become intoxicated, which conduct under the circumstances was to the prejudice of good order and discipline in the armed forces. For this misconduct you received Article 15 Punishment on 1 Oct 04.

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 and will probably be denied enlistment in any component of the armed forces.

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 Maj Green, extension 6-2186, the ADC, at building 1638 on 29 Oct 04 at 0900 hours. 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 2 Nov 04, 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 the 82d Medical Group, Bldg 1200, Student Health, at ~~1000 on 28 Oct 04.~~

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 in the 365 TRS Commander's Support Staff.

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

Commander

i, Lt Col, USAF

Attachments:

Attachments:

1. AF Form 3070, 1 Oct 04
2. Response to Article 15, 24 Sep 04, w/1 attach
3. AF Form 3545A, Case # I2004080091, w/14 attach
4. Notification of Remedial Training, 13 Sep 04
5. AETC Form 125A, 20 Oct 04
6. Student Training Report, 04020
8. AETC Form 173, 10 Aug 04
9. Student Training Report, 04135
10. Lackland AFB Form 205, 26 Apr 04
11. Airman's Receipt to Notification Memorandum *wd*