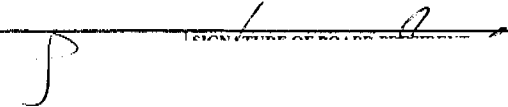


**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

(TIAL)		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	
ISSUES A92.35 A93.19 A92.01 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 <b>13 Feb 2006</b>		CASE NUMBER <b>FD-2005-00326</b>						
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.								
								
INDORSEMENT			DATE: 2/14/2006					
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						

**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.

### ISSUES

1. Applicant contends discharge was inequitable because it was based on two relatively minor incidents. The records indicated the applicant received two Article 15s and a Letter of Counseling for misconduct. The misconduct included possession of eleven Percocet pills, a Schedule II controlled substance, soliciting another airman to sell his Percocet pills, disobeying a lawful order by consuming more than two alcoholic beverages in a day while deployed Manas AB, Kyrgyz Republic, and a computer security violation. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The records indicated that the applicant was self-referred to Life Skills for alcoholism and enrolled into the ADAPT program in November 2002. The death of the applicant's best friend in Iraq was taken into account by the DRB. The board also discussed the Air Force Policy on drug abuse. 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.

2. 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 and other accomplishments. 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.

3. 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, on September 9, 2000) 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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Little Rock AFB, AR on 10 Aug 04 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 4 Jun 82. Enlmt Age: 17 7/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-77, E-77, G-68, M-58. PAFSC: 6F051 - Financial Management/Comptroller Journeyman. DAS: 17 Feb 01.

b. Prior Sv: (1) AFRes 21 Jan 00 - 28 Aug 00 (7 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Aug 00 for 4 yrs. Svd: 3 Yrs 11 Mo 20 Das, all AMS.

b. Grade Status: Amn - 29 Jun 04 (Article 15, 29 Jun 04)  
SrA - 29 Aug 03  
A1C - 28 Dec 01  
Amn - 28 Feb 01

c. Time Lost: None.

d. Art 15's: (1) 29 Jun 04, Little Rock AFB, AR - Article 112a. You did, on or about 5 May 04, wrongfully possess eleven (11) pills of Percocet, a Schedule II controlled substance. Article 134. You, did, between on or about 11 Apr 04 and on or about 4 May 04, wrongfully solicit A1C to sell you his prescription pills of Percocet, by continuously harassing him to sell you the pills until he sold them to you on 5 May 04. Reduction to Airman. Suspended forfeiture of \$668.00 pay. (No appeal) (No mitigation)

(2) 6 Jan 04, Little Rock AFB, AR - Article 92. You, having knowledge of a lawful order issued by Col Steven P. Kelley, 376 AEW/CC, to wit: Paragraph 11 of the Ganci Community Standards, dated 12 Dec 03, an order which it was your duty to obey, did, in the Kyrgyz Republic, on or about 14 Dec 03 fail to obey the same by wrongfully consuming more than 2 alcoholic beverages in a day. Suspended reduction to A1C. Forfeiture of \$100.00 pay. Restriction to the limits of Manas AB, Kyrgyz Republic for 60 days, unless otherwise required to perform

official duties. (No appeal) (No mitigation)

- e. Additional: LOC, 11 MAR 02 - Security violation by not turning off computer before leaving work.
- f. CM: None.
- g. Record of SV: 29 Aug 00 - 28 Apr 02 Little Rock AFB 4 (Initial)  
                   29 Apr 02 - 28 Apr 03 Little Rock AFB 5 (Annual)  
                   29 Apr 03 - 28 Apr 04 Little Rock AFB 3 (Annual)REF
- h. Awards & Decs: AFTR, NDSM, SAEMR, AFOUA.
- i. Stmt of Sv: TMS: (04) Yrs (06) Mos (20) Das  
                   TAMS: (03) Yrs (11) Mos (11) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Aug 05.  
 (Change Discharge to Honorable)

Issue 1: I believe my discharge was inequitable because it was based on two relatively minor incedents (sic) in a 36 month period. I am requesting clemency.

Issue 2: Remaining issues attached to Brief.

**ATCH**

1. Continuation of Applicant's Issues.
2. Character References.
3. DD Form 214.
4. Photo.
5. CD With Pictures, Files, and Awards.

19SEP05/ia

MEMORANDUM FOR: AIR FORCE DISCHARGE REVIEW BOARD  
FROM:  
SUBJECT: Request to upgrade discharge

1. On 10 August 2004, I was separated under the characterization of General (with honorable conditions). I had completed 3 years 11 months and 12 days of my enlistment. I was separated with a general discharge because of two events in my career. The first was that I broke the drinking limit of alcohol in a single day when I was deployed and the second incident is I asked a co-worker if I could have the unused pain medicine they had received from the dental clinic from a recent tooth surgery.

2. On both of those two particular occasions I did do what I was accused of. I did have four drinks in a single day when the limit was two and I did ask a co-worker for their medicine.

3. The start of my downward spiral in the military began when I was deployed to Kyrgyzstan in the winter of 2003 through 2004. Everything started out great but then tragedy struck. I received an email in mid November saying that my best friend Pvt. [redacted] had just been killed in Iraq on a mission. I immediately started regressing in feelings on sadness, guilt, and despair. After a couple of weeks I was released on a day pass to go off base. During that day pass I had a great time with some new friends and co-workers. During that pass I did violate the drinking policy at Manas AB. The next day I was told I was being investigated for the violation and more information would follow. One month later I was given an Article 15. I did not try to fight the charges, I did not prolong the incident, and I cooperated to the best of my ability in hopes that I would recover from the incident and continue with my successful Air Force career. I stood tall with my head up to take the responsibility. The Article 15's punishment was not harsh by any means. But the actual lingering dark cloud of the Article 15 what would affect me later. I was having a hard enough time dealing with the death, the reality that it could have very easily been me and the guilt that it was not me. The Article 15 process, especially while in a deployed locations, without much support was too tremendous. Everything I did was tainted by the Article 15. I was praised for my continued growth but never allowed to overcome the one blemish in my career.

4. During the Article 15 process, I felt it would be wrong to discuss the double standard at that base in the deployed location. I know this because I personally attended a party with the wing commander, where he and I both consumed more than the two drink limit. I in fact sat with him with a keg of beer while he talked to me about fighting in Vietnam. The rest of the personnel at Manas could not enjoy the lenience. It was only for the people that attended that personal party for the wing commander. My incident was just a couple weeks after that. The rules were not clear, but I felt the right thing to do was to own up to my acts and things would work out in the long run, but I was wrong, and the decision to be submissive cost highly.

5. I still did not argue one bit on what they wanted to do. I'm not the kind of person that would throw stones at others because I was standing in the fire. And an Airman trying to say that it was unfair that a commander can drink all they want and then get me into trouble that probably would have ended my career right then. I kept my mouth shut hoping that a harsh punishment would not be delivered. The punishment with the Article 15 was not devastating, but the fact of the Article on my record is what sealed my fate in later months to come.

6. I just kept to myself for the remainder of the deployment. It was horrible feeling of all the dread and gloom. I started getting sick a lot. I had to go to the base hospital a few times for treatment of mood and sleeping disorders. No help was really able to be given due to the lack of the proper medicines.

7. In March 2004, I rotated back to my stateside base extremely depressed and confused. I immediately went to Mental Health and was given over to off base therapy. But also I was drinking, like I've always had a problem with. I've been treated over the course my career with alcoholism (SELF-ID) at the on base Medical Clinic, but with no success. I just proved to them that I could go without using alcohol for a set amount of time and that was good enough to be released from the program.

8. From the time of early March to early May. I was drinking heavily, every day, every night. I was trying to deal with the emotions the best I could, but I hadn't learned how to deal with my problems the proper healthy way, so I tried with alcohol. Towards the end of April I was feeling better mentally. My life was starting to get back on track. I went home to visit my family, I was going to therapy twice sometimes three times a week, and I started realizing what I had to do to carry on.

9. I only had about four more months left in my enlistment at that time. I was heading off in August to Iowa State University. I was enrolled in the ROTC program and everything planned and falling into place perfectly.

10. I quit drinking cold turkey in April to start making the first steps to a better life. But I was hiding the fact that I had been drinking so much or even drinking at all from all outside sources. No one knew. I quit by myself and started dealing with withdrawal issues.

11. That was around the same time I held a conversation with a co-worker where he said that he hadn't used his medicine that was given to him for a recent surgery. I was feeling terrible and I knew that his medicine would make me feel some kind of comfort. I know now all I was doing is exchanging one evil for another. The co-worker brought the pills and said he had them in his car. We went outside and he gave them to me. Immediately I was apprehended by OSI.

12. I was released to my First Sergeant about an hour later where he took me over to Life Skills/Mental Health. The doctor recommended that I get the proper treatment and go to a rehabilitation hospital. I agreed with no question.

13. For the rest of the enlistment I completed the treatment plan that was laid out for me. In July 2004 I was given an Article 15 for the attempt to get the medicine. And on 10 August 2004, I was discharged "General". My original Date of Separation was Aug. 28.

14. I started school a few days later just like I planned but without the help of the college aid. The loss of the G.I. Bill has ultimately been the most crushing aspect of this whole ordeal. I was only able to complete one semester with the finances that I had. I was forced to sell my vehicle to even pay for the tuition.

15. I would absolutely love to overload this letter with all the accomplishments that I've optioned in the Air Force. I got a CCAF degree in my enlistment, I donated hundreds of hours of my own time to help a Local child mentoring organization, I stayed at work too many nights to count, alone to make sure I got all the work done for our customers. I gave everything I had to my job.

16. Time after time I watched others win awards for doing half the work I was doing and not giving any thought to extra education and service to the community. I never won a single award for airman of the month, quarter, or year. Even with me giving everything I had to my job, I never thought too much about the recognition given to others. I knew I was doing a great job and my reward would be to go to school, attend ROTC, and come back into the Air Force as an officer and make sure I tried to make a better environment for others. That thought alone kept me at work all those nights. It kept me upbeat and positive when I didn't win awards. I knew that one day my reward would come in some way. That is the thought I held on too. And now it doesn't exist.

17. There are a few things I would like to put heavy emphasis on. I think that these few things are very important. Even all the cards were dealt and everything was said and done. My commander even would say that I was an "above average troop". I went and supported the war for this country. And I think what is most important to me is that I served over 98.7 % of my enlistment.

18. I know I made bad decisions when I was going through that rough time. I have no excuses for doing what I did. But if there was a punishment for those things, I guarantee I've already endured it. I suffered for months of being told "no info yet". I walked around for a month after being demoted two ranks before I was discharged. My own CMSgt told me in a private meeting that the commander had no intention of discharging me early and I was free to separate normally, then the next day I was told he "misunderstood" the commander. I lost my G.I. Bill. I had to drop out of school, and I will never complete my goal of becoming an Air Force officer.

19. I gave four years of my life to the military and for my country. I did the best that I could do. I tried so hard and I did accomplish so much. I am asking, requesting, urging,

FD 2005-00326

and flat out begging that clemency be granted and my discharge be upgraded to HONORABLE. If the boards decision is NO. I would like to say that being in the Air Force was the greatest event in my life. I learned so much and I developed into a strong person through the challenges. I don't regret one day about joining. And even without the G.I. Bill, I am still the winner out of this experience.

Thank you so very much for your time and consideration.





DEPARTMENT OF THE AIR FORCE  
314 COMPTROLLER SQUADRON  
LITTLE ROCK AFB, ARKANSAS 72076

FD 2005-00 326

16 July 04

MEMORANDUM FOR AMN

FROM: 314 CPTS/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.

2. My reason for this action is on or about 5 May 2004, you wrongfully possessed 11 pills of Percocet, a schedule II controlled substance. Between on or about 11 April 2004 and on or about 4 May 2004, you wrongfully solicited A1C \_\_\_\_\_ to sell you his prescription pills of Percocet, by continuously harassing him to sell you the pills until he sold them to you on 5 May 2004. For your actions, you received nonjudicial punishment under Article 15 of the UCMJ.

3. Addition Derogatory Data

a. On or about 6 March 2002, you failed to turn your computer off and the screensaver was disabled after you had left for the day. You were told of the security violation and to make sure that you computer was turned off, but you failed to do so for a second time on 8 March 2002. For your actions, you received a letter of counseling, dated 11 March 2002.

b. On or about 14 December 2003, you failed to obey an order by wrongfully consuming more than two alcoholic beverages in a day. For your actions, you received nonjudicial punishment under Article 15 of the UCMJ.

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 1255 Vandenberg Blvd, on 19 July 2004, 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 21 July 04 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 must then report to the Medical Clinic, located at 1090 Arnold Dr at 0820 hours on 19 July 2004 for your examination. You must fast 14 hours prior to the examination and may drink only water during that time. You must not smoke 14 hours prior, nor may you consume alcohol 72 hours prior to your examination. If you wear glasses, bring them with you. If you wear contact lenses, bring a container to store them in during your eye 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 orderly room.

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

Commander                          , Maj, USAF

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum w/Recoupment Statement