

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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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 A94.53 A92.21	INDEX NUMBER A66.00	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr><td style="width:5%; padding: 5px;">1</td><td style="padding: 5px;">ORDER APPOINTING THE BOARD</td></tr> <tr><td style="padding: 5px;">2</td><td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="padding: 5px;">3</td><td style="padding: 5px;">LETTER OF NOTIFICATION</td></tr> <tr><td style="padding: 5px;">4</td><td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td></tr> <tr><td style="padding: 5px;"></td><td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td style="padding: 5px;"></td><td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td style="padding: 5px;"></td><td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </tbody> </table>	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
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HEARING DATE 10 Mar 2006	CASE NUMBER FD-2005-00327	
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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.

SIGNATURE OF RECORDER <i>[Signature]</i>	SIGNATURE OF BOARD PRESIDENT <i>[Signature]</i>
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INDORSEMENT	DATE: 3/31/2006
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00327

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:

The record indicated the applicant received an Article 15 for misconduct. The Article 15 was administered for wrongful use of a controlled substance; mushrooms containing psilocin, a Schedule I controlled substance. As a result, applicant was reduced to airman basic and received a reprimand. 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.

The DRB was pleased to see that the applicant was doing well. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 A1C)

MISSING PERSONNEL AND MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Mountain Home AFB, ID on 30 Aug 04 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 Oct 83. Enlmt Age: 18 4/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-49, E-39, G-28, M-29. PAFSC: 8M000 - Postal Specialist. DAS: 13 Aug 02.

b. Prior Sv: (1) AFRes 28 Feb 02 - 29 Apr 02 (2 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 30 Apr 02 for 4 yrs. Svd: 02 Yrs 04 Mo 01 Das, all AMS.

b. Grade Status: AB - 26 Mar 04 (Article 15, 26 Mar 04)
A1C - 1 Sep 03
Amn - 1 Nov 02

c. Time Lost: None.

d. Art 15's: (1) 26 Mar 04, RAF Croughton, UK - Article 81. You did, on or about 24 Jul 03, conspire with SrA [] and A1C [] to commit an offense under the Uniform Code of Military Justice, to wit: wrongful use of a controlled substance, and in order to effect the object of the conspiracy the said SrA [] did order, purchase and deliver mushrooms containing psilocin, a Schedule I controlled substance. Article 112a. You did, at or near building 142, RAF Croughton, United Kingdom, on or about 6 Aug 03, wrongfully use mushrooms containing psilocin, a Schedule I controlled substance. Reduction to AB and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM, AFOSLTR.

i. Stmt of Sv: TMS: (02) Yrs (06) Mos (03) Das
TAMS: (02) Yrs (04) Mos (01) Das

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

Issue 1: I would like to have my general upgrading (sic) to honorable. What I did in the Air Force was very immature and irresponsible. Since my seperation (sic) from the Air Force I have been a model citizen, keeping a clean driving record and keeping a steady job. I realize that my actions were uncalled for, and I have learned from my mistakes.

ATCH

1. DD Forms 214 (Member 4 & 1).
2. Notification Memorandum.
3. Response to Involuntary Discharge.
4. Written Presentation to Article 15 Proceedings.
5. Two Letters of Support.
6. Article 15.

18OCT05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 100TH AIR REFUELING WING (USAF)

14 APR 2004

MEMORANDUM FOR AB: [REDACTED], 422 ABS

FROM: 422 ABS/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 either honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are: An investigation has revealed that on or about 24 July 2003, you conspired with two other Air Force members to wrongfully use mushrooms containing psilocin, a Schedule I controlled substance. On or about 6 August 2003, you used said mushrooms containing psilocin. For this misconduct, you were punished under Art. 15, UCMJ, on 26 March 2004 (Attachment 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 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 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 Capt: [REDACTED] of the Ramstein AB ADC Office, DSN 480-2182, at 1300 hours, on Thursday, 15 April 2004, via a telephone consultation. You may consult civilian counsel at your own expense.

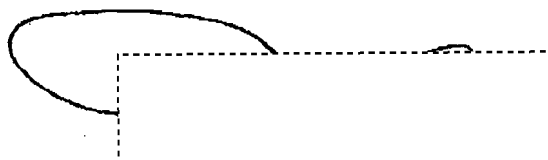

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by the close of business, Monday, 19 April 2004, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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.

Received Time Sep. 15. 4:11PM

7. You have been scheduled for a medical examination. You must report to building 140, RAF Croughton Medical Clinic, on Thursday, 15 April 2004, at 1015 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 in the 422 ABS Orderly Room.


Commander 

Attachments:

1. Art. 15, UCMJ, dated 26 Mar 04, w/ attachments
2. Records Review RIP
3. Receipt of Notification Memorandum