

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 MSGT	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE UOTH	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	UOHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
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<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X

ISSUES A94.05	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 HE

HEARING DATE 22 Sep 2006	CASE NUMBER FD-2005-00334
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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 in 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: 10/2/2006
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.

ISSUE:

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He cites his discharge characterization was improper and that he should have received an honorable discharge in accordance with AFI 36-3209. The records indicated the applicant received an Under Other Than Honorable discharge for misconduct, commission of a serious offense – 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. The board noted the applicant cited the case ofv. Secretary of Defense in support of his contention that he should receive an upgrade to an honorable discharge. Unfortunately for the applicant, the information he provided and in his case file is insufficient to demonstrate that the case is applicable to his situation. If he has proof that his alleged drug use either did not occur or occurred while he was in a civilian status, he should present this evidence to the DRB. Additionally, he should be aware that even if it is applicable to his case, the Wood case does not mandate he necessarily receive an honorable service characterization. Typically, reservists who are separated for drug use in civilian status receive an under honorable conditions (general) discharge. However, the applicant may be able to show that an honorable conditions discharge is appropriate in his case.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 MSGT) (HGH MSGT)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr McGuire AFB, NJ on 20 May 97 UP AFI 36-3209 (Misconduct - Commission of a Serious Offense - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Oct 50. Enlmt Age: 32 9/12. Disch Age: 46 7/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: X4N071 - Aircrew Aerospace Medical Service Craftsman. DAS: 27 Jul 83.

b. Prior Sv: (1) Enlisted AFRes as A1C 27 Jul 83 for 6 yrs. Reenlisted AFRes as SSgt 15 Jul 89 for 3 yrs. Svd: 08 yrs 10 months 03 days, of which AMS is 01 yr 01 month 03 days. SrA - Unknown. SSgt - Unknown. TSgt - 01 Jul 89. No performance reports in file.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted AFRes as TSgt 20 Jun 92 for 6 yrs. Svd: 04 Yrs 11 Mo 00 Das, of which AMS is 01 yr 10 months 15 days.

b. Grade Status: MSgt - Unknown.

c. Time Lost: None.

d. Art 15's: Unknown.

e. Additional: None.

f. CM: None.

g. Record of SV: Unknown.

h. Awards & Decs: AFAM, AFOUA W/1 DEV, CRM W/1 DEV, AFRFMSM W/1 DEV, AFLSAR, AFTR, NDSM.

i. Stmt of Sv: TMS: (13) Yrs (09) Mos (24) Das
TAMS: (03) Yrs (00) Mos (09) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Aug 05.
(Change Discharge to Honorable)

Issue 1: Discharge characterization is improper. It should be honorable in accordance with AFI 36-3209, para A2.2 et seq; AFR 20-10, para 19e; DODD 1332.28 para 4 and v. Secretary of Defense.

FD2005-00334

ATCH
None.

21SEP05/ia

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE RESERVE COMMAND
155 2ND STREET
ROBINS AIR FORCE BASE, GEORGIA 31098-1635

RESERVE ORDER
A-140

6 May 1997

The Air Force relieves MSGT: [redacted], SSN: [redacted], (AFSC: X4N071; functional account code: 564000; position control number: 00908641L) from assignment 714TH Aeromedical Evacuation Squadron, McGuire AFB NJ, and discharges him from the United States Air Force Reserve effective 20 May 1997. Service is characterized as Under Other Than Honorable Conditions. Mailing address: 422B Lakeside Avenue, Orange NJ 07050. Authority: AFI 36-3209, Misconduct, Commission of a Serious Offense, Drug Abuse. Reenlistment eligibility status: INELIGIBLE.

FOR THE COMMANDER



[redacted]
Chief, Military Personnel Division
Directorate of Personnel

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