

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (OR DEPENDENT INITIAL)	GRADE	
	AB	

TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		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	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD			
A94.05	A66.00	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	
10 Jan 2006	FD-2005-00335	

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.

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INDORSEMENT		DATE: 1/10/2006
TO:	FROM:	
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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-2005-00335

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: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for wrongfully using marijuana. 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.

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)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Barksdale AFB, LA on 9 Aug 00 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 7 Mar 78. Enlmt Age: 19 5/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-53, E-65, G-66, M-24. PAFSC: 1C551 - Aerospace Control and Warning System Journeyman. DAS: 11 Jan 00.

b. Prior Sv: (1) AFRes 19 Aug 97 - 07 Oct 97 (1 months 19 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 8 Oct 97 for 4 yrs. Svd: 02 Yrs 10 Mo 02 Das, all AMS.

b. Grade Status: AB - 14 Jul 00 (Article 15, 14 Jul 00)
A1C - 8 Feb 99
Amn - 8 Apr 98

c. Time Lost: None.

d. Art 15's: (1) 14 Jul 00, Barksdale AFB, LA - Article 112a. You did, within the continental United States, from on or about 1 Feb 00 to on or about 29 Feb 00, wrongfully use marijuana. Reduction to AB. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 8 Oct 97 - 7 Jun 99 Kadena AB 5 (Initial)
8 Jun 99 - 5 Dec 99 Kadena AB 5 (CRO)

h. Awards & Decs: AFAM, AFTR.

i. Stmt of Sv: TMS: (02) Yrs (11) Mos (21) Das
TAMS: (02) Yrs (10) Mos (02) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 07 Aug 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Three Character References.

21SEP05/ia

FD 2005-00335



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE BASE, LOUISIANA

MEMORANDUM FOR

FROM: 608 CPS/CC

SUBJECT: Notification Letter - Administrative Discharge

1. I am recommending that you be discharged from the United States Air Force for Drug Abuse as conduct incompatible with military service. The authority for this action is AFPD 36-32 and AFI 36-3208, para 5.54. If my recommendation is approved, your service may be characterized as UNDER HONORABLE CONDITIONS (GENERAL) Discharge. I am recommending that your service be characterized as UNDER HONORABLE CONDITIONS (GENERAL).

2. My reason(s) for this action is/are as follows:

a. On or about 1 Feb 00 through on or about 29 Feb 00, you wrongfully used marijuana, as evidenced by an Article 15, dated 19 July 00 (Attached).

3. Copies of the document(s) referenced above have been attached and will be forwarded to the separation authority in support of this recommendation. 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 re-enlistment in the Air Force.

4. Military legal counsel, Capt [redacted] Area Defense Counsel for Barksdale AFB, Extension 6-8355, Building 4714 (gym annex building), third floor, has been obtained to assist you. An appointment has been scheduled for you to consult with him on 21 July 00 at 1400 hrs. You may consult civilian counsel at your own expense.

5. You have been scheduled for a medical examination. You must report to Flight Medicine with your medical records for the appointment. Your appointment is on 21 July 00 at 1330 hours.

6. You have the right to submit statements in your behalf. Any statements you want the separation authority to consider must reach me within three (3) duty days unless you request and receive an extension for good cause. I will send any statements that you provide to the separation authority.

7. You have been scheduled for a Pre-separation Counseling briefing. You must report to the Family Support Center, Bldg 4713, at 0800 on 21 July 00 for the briefing.

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8. If you fail to consult counsel or fail to submit statements in your behalf, you will waive the right to do so.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, the AFI governing this action, is available for your use in your unit Orderly room.

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

Commander, 608 CPS

Attachment:
Article 15, dated 19 Jul 00
