

**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 <b>A1C</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	<b>X</b>	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X+*
					X+*
					X+*
					X+*
					X+*

ISSUES <b>A92.01</b> <b>A92.03</b> <b>A94.05</b>	INDEX NUMBER <b>A67.70</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> 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>29 Jun 2006</b>	CASE NUMBER <b>FD-2005-00349</b>	

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.

\*Change RE Code  
+ Change Reason and Authority

SIGNATURE OF RECORDER <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>
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<b>INDORSEMENT</b>	<b>DATE: 8/4/2006</b>
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TO: SAF/MRBR 550 C STRETT 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-2005-00349

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change reason and authority and to change reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 29 Jun 2006.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Applicant's Contentions

Exhibit #6: Letter from applicant to board

Exhibit #7: Character letter from former military supervisor, Mr. [REDACTED]

Exhibit #8: 11 - Certificates of Completion

Exhibit #9: Applicant's resume

Exhibit #10: Three college transcripts (Colorado Mountain College, Oklahoma State University and Tulsa Community College)

Exhibit #11: OSI investigation report

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge, change of reason and authority and change of reenlistment code are 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 received a General discharge for Misconduct -- Drug Abuse

Issue 1. 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; he received three EPRs with overall 4 ratings. Applicant also received awards and decorations and other accomplishments. However, found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The applicant knew the AF policy and standard regarding the use and possession of illegal substances. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 2. Applicant states that he has been a good citizen since his discharge. The board 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.

Issue 3. Applicant contends discharge was inequitable because it was too harsh. The records show that the member received a special court martial for wrongful use of LSD and marijuana on two occasions. The board concluded the misconduct was a significant departure from conduct expected of all military members and found no inequity or impropriety in his discharge. 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Eielson AFB, AK on 15 Jul 98 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Jul 76. Enlmt Age: 17 8/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-56, E-58, G-62, M-76. PAFSC: J1C451 - Tactical Air Command And Control Journeyman. DAS: 14 Jan 97.

b. Prior Sv: (1) AFRes 23 Mar 94 - 14 Jun 94 (2 months 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Jun 94 for 6 yrs. Svd: 04 Yrs 01 Mo 01 Das, all AMS.

b. Grade Status: A1C - 15 May 98 (SPCMO No.1, 26 Jun 98)  
SrA - 29 Nov 96  
A1C - 29 Jul 94

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial No.1 - 26 Jun 98

CHARGE: Article 112a. Plea: Guilty. Finding: Guilty.

Specification 1: Did, within the state of Colorado, on divers occasions between on or about 1 Feb 96 and on or about 31 Mar 96, wrongfully use lysergic acid diethylamide. Plea: Guilty. Finding: Guilty.

Specification 2: Did, within the state of Colorado, on divers occasions between on or about 1 Feb 96 and on or about 31 Mar 96, wrongfully use marijuana. Plea: Guilty. Finding: Guilty. Sentence adjudged on 15 May 98: Hard labor without confinement for three months, forfeiture of \$200.00 pay per month for three months, and reduction to A1C.

g. Record of SV: 15 Jun 94 - 15 Jan 96 Fort Carson AIN 4 (HAF Dir)  
16 Jan 96 - 01 Dec 96 Fort Carson AIN 4 (CRO)

02 Dec 96 - 30 Jun 97 Fort Wainwright AIN 1 (CRO) REF

h. Awards & Decs: AAM, AFLSA, AFTR, NDSM, SAEMR, AFOUA.

i. Stmt of Sv: TMS: (04) Yrs (03) Mos (23) Das  
TAMS: (04) Yrs (01) Mos (01) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 26 Aug 05.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Notification Memorandum.
3. Report of Result of Trial.
4. Three Enlisted Performance Reports.
5. Five Training Certificates.

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SSN \_\_\_\_\_

DRB: The following issues are the reasons I believe my discharge should be upgraded to Honorable. Please explain in detail why the board might disagree.

1. I have been a good citizen since discharge.

I have led a criminal free life.

I attended Diver's Institute of Technology, graduating with a 3.7 GPA.

I have been a supervisor for two commercial dive companies.

I have held security clearances in over ten nuclear power plants.

I attended Colorado Mountain College and graduated receiving my EMT certification.

And finally I am currently a student of Spartan College of Aeronautics for their commercial flight program.

2. I received many awards and decorations while serving in the Air Force.

I received the Army Achievement Medal.

I received Outstanding Unit Award.

I was awarded 1<sup>st</sup> place for Physical Fitness at the Texas Challenge Competition.

I was chosen to represent my squadron in the career field worldwide challenge.

I was chosen to attend Air Assault School, Air Force Academy Freefall School,

and to teach SERE to Air Force Academy Cadets.

3. My evaluations were good even after I was forthcoming with OSI agents.

I was chosen by my commander to attend Basic Airborne School after my initial interview with OSI agents.

I received a 4 on my EPR by my NCOIC and by my Flight Commander.

I continued to work well within the unit as well as the military.

I received a 4 on all other EPRs.

4. I was punished by Special Court Martial and then again with a General discharge for Misconduct for the same incident.

I was honest and forthright about my actions when interviewed by OSI.

I accepted the decision of the court stoically.

I was sentenced on May 18, 1998 to hard labor without confinement for three months, forfeiture of \$200.00 pay per month for three months, and reduction to A1C.

It states in the memorandum recommending my discharge by my commander in paragraph 2, that I was being recommended for discharge for narcotics use. In which I was already punished for by the Special Court Martial.

7. You have been scheduled for a medical examination. You must report to the Physical Examination Section, 354th Medical Group, Building 3349, at ~~0900 hrs~~ 0800 hrs on ~~25 Jun 98~~ 25 Jun 98 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 your orderly room.



Commander, 3ASOS

**Attachment:**

Report of Result of Trial, dated 15 May 98