

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		<b>GRADE</b> <b>A1C</b>	<b>AFSN/SSAN</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>			
<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>			
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<b>YES</b>	<b>No</b>					
	<b>X</b>					
<b>MEMBER SITTING</b>		<b>VOTE OF THE BOARD</b>				
		<b>HON</b>	<b>GEN</b>	<b>UOHC</b>	<b>OTHER</b>	<b>DENY</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
<b>ISSUES</b> A92.15 A92.01 A94.05	<b>INDEX NUMBER</b> A67.70	<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			
<b>HEARING DATE</b> 28 Jul 2006	<b>CASE NUMBER</b> FD-2005-00398					
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>						
<p>Case heard in Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>						
<b>SIGNATURE OF RECORDER</b>			<b>SIGNATURE OF BOARD PRESIDENT</b>			
<b>ENDORSEMENT</b>					<b>DATE: 7/31/2006</b>	
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 3RD FLOOR ANDREWS AFB, MD 20762-7002			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00398**

**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:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for wrongful use of 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.

Issue 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, letters of recommendation 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.

Issue 4. 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 October 13, 2001) 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Hanscom AFB, MA on 9 Feb 03 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Apr 80. Enlmt Age: 18 3/12. Disch Age: 22 9/12. Educ: HS DIPL. AFQT: N/A. A-76, E-73, G-72, M-42. PAFSC: 4Y051 - Dental Assistant. DAS: 13 Aug 02.

b. Prior Sv: (1) AFRes 27 Jul 98 - 27 Sep 98 (2 months 1 day) (Inactive).

(2) Enlisted as AB 28 Sep 98 for 4 yrs. Svd: 3 yrs 6 months 15 days, all AMS. AMN - 28 Mar 99. A1C-(EPR Indicates): 28 Sep 98-27 May 00. SrA - 28 Sep 01. EPRs: 5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 12 Apr 02 for 4 yrs. Svd: 00 Yrs 09 Mo 28 Das, all AMS.

b. Grade Status: A1C - 13 Jan 03 (Article 15, 13 Jan 03)

c. Time Lost: None.

d. Art 15's: (1) 13 Jan 03, Hanscom AFB, MA - Article 112a. You did, within the continental United States, between on or about 1 Aug 02 and on or about 31 Dec 02, wrongfully use marijuana. Reduction to A1C, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 28 May 01 - 27 May 02 Travis AFB 5 (Annual)

h. Awards & Decs: AFTR, NDSM, AFLSAR, AFOUA W/3 OLCS.

i. Stmt of Sv: TMS: (04) Yrs (06) Mos (14) Das  
TAMS: (04) Yrs (04) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 06 Aug 05.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.

30NOV05/ia

**APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES OF THE UNITED STATES**

*(Please read instructions on Pages 3 and 4 BEFORE completing this application.)*

Form Approved  
OMB No. 0704-0004  
Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** 10 U.S.C. 1553; E.O. 9397.

**PRINCIPAL PURPOSE(S):** To apply for a change in the characterization or reason for military discharge issued to an individual.

**ROUTINE USE(S):** None.

**DISCLOSURE:** Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

**1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION:**

a. **BRANCH OF SERVICE (X one)** ARMY  MARINE CORPS  NAVY  AIR FORCE  COAST GUARD

b. **NAME (Last, First, Middle Initial)** \_\_\_\_\_ c. **GRADE/RANK AT DISCHARGE** E-3 d. **SOCIAL SECURITY NUMBER** \_\_\_\_\_

**2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)** **4. DISCHARGE CHARACTERIZATION RECEIVED (X one)** **5. BOARD ACTION REQUESTED (X one)**

20030209

<input checked="" type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
<input type="checkbox"/> BAD CONDUCT (Special court-martial only)	<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:
<input type="checkbox"/> UNCHARACTERIZED	
<input type="checkbox"/> OTHER (Explain)	

**3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION**  
66 MDG / SSGD (AFMC)

**6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)**

My discharge was based on one mistake I made, but I was one of the best Airman around if you look at my previous history

**7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.**

**8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)**

\_\_\_\_\_

**9. TYPE OF REVIEW REQUESTED (X one)**

CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.

I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.

I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (NOTE: The Navy Discharge Review Board does not have a traveling panel.) (enter city and state)

**10.a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.)**

b. **TELEPHONE NUMBER (Include Area Code)**

c. **E-MAIL**

d. **FAX NUMBER (Include Area Code)**

**11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.**

SPOUSE  WIDOW  WIDOWER  NEXT OF KIN  LEGAL REPRESENTATIVE  OTHER (Specify)

**12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)**

b. **TELEPHONE NUMBER (Include Area Code)**

c. \_\_\_\_\_

d. **FAX NUMBER (Include Area Code)**

**13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)**

a. **SIGNATURE - REQUIRED (Applicant or person in Item 11 above)**

b. **DATE SIGNED - REQUIRED (YYYYMMDD)**

2005 11 21

**CASE NUMBER (Do not write in this space.)**

FD 2005-00398



August 6, 2005

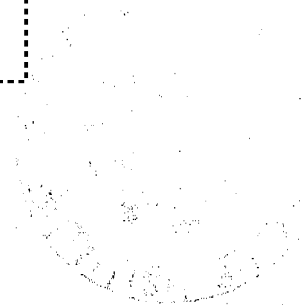
To Whom it may concern,

My name is [redacted] and I was previously enlisted in the USAF. I was a dental assistant from September of 1998 until February of 2003. I served as an honorable airman and a dedicated soldier until I was released with a General Discharge. I am writing to you today in regards to reinstating my military veterans benefits.

In February of 2003, I was released with a General Discharge because of a mistake that I made involving an incident with Marijuana. Before this incident, I was at the top of the class with my peers. I made SSGT on my first try. I was involved with the Honor Guard, in charge of programs in my clinic and I was even training other airmen to do the job that I was doing before I even pinned on SSGT. I was an asset to my clinic and I made a crucial mistake. I was very honest and up front about the mistake that I made and my commander fought for me to stay in to the best of his ability.

Since my discharge, I have learned from the mistake that I made and have become a better man for it. I am currently a dental assistant at a very prestigious practice in Boston, Massachusetts. However, I would like to better myself even more by going to school. I would be very grateful if you would upgrade my discharge so that I can receive my full veterans benefits. Even though I made a mistake, I feel as though I worked hard and I deserve them. I thank you in advance for your time and consideration.

Sincerely,





DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 66th AIR BASE WING (AFMC)  
HANGCOM AIR FORCE BASE MASSACHUSETTS



U.S. AIR FORCE

JAN 21 2003

MEMORANDUM FOR A1C: [REDACTED]

FROM: 66 MDOS/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 honorable or general (under honorable conditions). I am recommending that your service be characterized as general (under honorable conditions).

2. My reason for this action is that you did, within the continental United States, between on or about 1 August 2002 and on or about 31 December 2002, wrongfully use marijuana. For this misconduct, you received an Article 15, nonjudicial punishment. Your punishment consisted of one reduction in enlisted grade to Airman First Class and a reprimand.

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.

4. You have the right to consult counsel. Military legal counsel, Captain: [REDACTED] Area Defense Counsel, Hanscom AFB, MA, has already been obtained, and is already assisting you. You may consult civilian counsel at your own expense.

5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 24 Jan 03, 1145 hours, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. You also have the right to waive your right to counsel and the right to submit statements.

7. If you fail to consult counsel or submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

8. You have been scheduled for a medical examination. You must report to \_\_\_\_\_, on \_\_\_\_\_ at \_\_\_\_\_ with your medical, immunization, and dental records for the examination.

9. 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.

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

[Empty dashed box for signature]

Commander

Attachment:

- 1. AF Form 3070, dated 13 January 2003
- 2. AF Form 1168, SrA: [redacted]; dated 19 December 2002
- 3. Urinalysis Results, SrA: [redacted]; dated December 2002