

**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>AB</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>	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
					X
					X
					X
					X*
					X

ISSUES <b>A94.05</b> <b>A94.29</b>	INDEX NUMBER <b>A66.00</b>	<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; text-align: center;"><b>1</b></td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>2</b></td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>3</b></td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>4</b></td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<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
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HEARING DATE <b>20 Apr 2006</b>	CASE NUMBER <b>FD-2005-00438</b>
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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 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.

X = Board denies upgrade, change reason and authority and change of RE code (\* change RE code)

SIGNATURE OF RECORDER 	SIGNATURE OF BOARD PRESIDENT 
INDORSEMENT	
DATE: 4/20/2006	

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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00438**

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 20 April 2006.

The following additional exhibits were submitted at the hearing:

Exhibit #5: AFOSI 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 for discharge, and change of reenlistment code 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. The applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant had committed drug abuse as defined by the applicable Air Force Regulation and had also received an Article 15, two Letters of Reprimand, one Letter of Counseling, and five AETC Forms 341 for misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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 under the circumstances.

Issue 2. The applicant stated that he only possessed, but did not use, the anabolic steroid found in his room. According to the applicant, he quit using the substance when it became illegal and put it away and forgot about it until it was discovered. Unfortunately for the applicant, even if what he says is the truth, the Air Force Instruction on administrative discharges, AFI 36-3208, paragraph 5.54, states that "drug abuse ... is the illegal, wrongful, or improper use, [or] possession ... of any drug... The term drug includes ... anabolic/androgenic steroids." Therefore, although the DRB was sympathetic to his situation, the DRB was unable to conclude that an inequity or impropriety had occurred in his case which would allow the DRB to upgrade his discharge. The DRB favorably noticed his remorse for his actions, his burning desire to resume service in the military and his acceptance of responsibility for his errors and unanimously assessed the applicant as a potentially suitable candidate for re-enlistment but has no power to grant clemency.

**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 USAFR Sheppard AFB, TX on 6 Jul 05 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 18 Jul 85. Enlmt Age: 19 1/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-45, E-67, G-37, M-61. PAFSC: 2A636 - Aircraft Electrical and Environmental Systems Apprentice. DAS: 15 Nov 04.

b. Prior Sv: (1) AFRes 18 Aug 04 - 27 Sep 04 (1 month 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 28 Sep 04 for 6 yrs. Svd: 00 Yrs 09 Mo 09 Das, all AMS.

b. Grade Status: AB - 31 May 05 (Article 15, 31 May 05)

c. Time Lost: None.

d. Art 15's: (1) 31 May 05, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties at or near Wichita Falls, Texas, on or about 9 Apr 05, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the legal drinking age of 21 and willfully failed to refrain from frequenting a local hotel, as it was your duty to do. You, who knew or should have known of your duties at or near Sheppard AFB, Texas, on or about 14 Apr 05, were derelict in the performance of those duties in that you willfully failed to refrain from leaving class early without permission, as it was your duty not to do. Article 107. You, did, at or near Shappard AFB, Texas, on or about 14 Apr 05, with intent to deceive, make to TSgt [redacted], an official statement, to wit: that you had permission from SrA [redacted] to leave class early to escort another airman to the dining facility, which statement was totally false, and was then known by you to be so false. Reduction to AB. Suspended forfeiture of \$617.00 pay per month for two months. Twenty days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 06 JUN 05 - Wrongful possession of a controlled

substance.  
 LOR, 25 APR 05 - Deliberately leave school early and failure to adhere to call to quarters.  
 AETC 341, 02 MAY 05 - Wearing PRT inappropriately, no reporting procedures, and poor bearing.  
 AETC 341, 01 MAY 05 - Out of uniform and disrespect to an NCO.  
 AETC 341, 02 APR 05 - Late for duty.  
 AETC 341, 17 MAR 05 - Open wall locker.  
 LOC, 11 JAN 05 - Damage or destruction to government property and lying.  
 AETC 341, 01 DEC 04 - Security violation.

f. CM: None.

g. Record of SV: None.

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

i. Stmt of Sv: TMS: (00) Yrs (10) Mos (19) Das  
 TAMS: (00) Yrs (09) Mos (09) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Oct 05.  
 (Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I wish to change my discharge to honorable so that I may re-enlist into the United States Military. My discharge was based on one event. I had no other prior disciplinary actions.

**ATCH**

1. Three Character References.
2. Applicant's Affidavit.
3. DD Form 214 (Member 4&1).
4. Investigative Summary.
5. Negative Drug Urine Test Notification.
6. Written Response to Offer of Nonjudicial Punishment.
7. Basic Military Training Student Performance Summary.
8. Student Training Report.

21DEC05/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

24 Jun 05

MEMORANDUM FOR AB: [REDACTED] 364 TRS

FROM: 364 TRS/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 under honorable conditions (general). I am recommending that your service be characterized as under honorable condition (general).
2. My reason for this action is that you did, on or about 15 Apr 05, at or near Sheppard AFB TX, wrongfully possess Androstenedione, a Schedule III controlled substance. For this misconduct you received a Letter of Reprimand (LOR) on 6 Jun 05. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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 will probably be denied enlistment in any component of the armed forces.
3. 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] at building 1638 on 24 Jun 05 at 1400 hrs. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own <sup>JMB</sup> behalf. Any statements you want the separation authority to consider must reach me by 29 Jun 05 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have been scheduled for a medical examination. You must report to the 82d Medical Group, Bldg 1200, Physical Examinations, at 1000 hrs. on 24 Jun 05.
7. 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 Commander's Support Staff Office.

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



Squadron Commander

Attachments:

1. LOR, 6 Jun 05
2. Report of Investigation, 20 May 05 w 2 exhibits
3. AFOSI Det 411 Memo, 20 May 05
4. AF Form 3070, 31 May 05
5. Response to Article 15, 20 May 05
6. AF Form 1168, AB [redacted], 20 Apr 05
7. AF Form 1168, A1C [redacted], 20 Apr 05
8. AF Form 1168, A1C [redacted], 20 Apr 05
9. AF Form 1168, A1C [redacted], 20 Apr 05
10. AF Form 1168, A1C [redacted], 20 Apr 05
11. AF IMT 1168, A1C [redacted], 18 Apr 05
12. AF Form 1168, A1C [redacted], 20 Apr 05
13. AF Form 1168, A1C [redacted], 18 Apr 05
14. AF IMT 1168, A1C [redacted], 14 Apr 05
15. AF IMT 1168, A1C [redacted], 14 Apr 05
16. AF IMT 1168, SSgt [redacted], 14 Apr 04
17. AF IMT 1168, A1C [redacted], 13 Apr 04
18. AF IMT 1168, A1C [redacted], 12 Apr 05
19. AF IMT 1168, A1C [redacted], 5 Mar 05
20. AF IMT 1168, A1C [redacted], 3 Mar 05
21. LOR, 25 Apr 05
22. (2) AETC Form 341, 2 May 05 & 1 May 05
23. (2) AETC Form 341, 2 Apr 05 & 17 Mar 05
24. LOC, 11 Jan 05
25. RMT Final Assessment, 15 Jan 05
26. 364 TRS/MTF-FC, MTF Memo, 11 Jan 05
27. AETC Form 341, 10 Jan 05
28. AETC Form 341, 1 Dec 04
29. MFR, TSgt [redacted], undated
30. Student Training Report, 05010
31. LAFB Form 205, 15 Nov 05
32. Airman's Receipt of Notification Memo *w/d*