

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

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 A94.53	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	

HEARING DATE 25 May 2006	CASE NUMBER FD-2005-00443	
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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 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.

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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INDORSEMENT		DATE: 5/30/2006
TO: SAE/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	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2005-00443

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 received a General discharge for Misconduct – Drug Abuse

Applicant submitted no issues. The records indicated the applicant received an Article 15 for wrongfully using marijuana. Given the Air Force zero tolerance for wrongful use of drugs, the Board concluded the misconduct was a significant departure from conduct expected of all military members and 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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Pope AFB, NC on 19 May 05 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 25 Jul 83. Enlmt Age: 18 5/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-56, E-74, G-59, M-62. PAFSC: 2A351B - Avionics Systems Journeyman. DAS: 3 Mar 03.

b. Prior Sv: (1) AFRes 23 Jan 02 - 3 Jun 02 (4 months 12 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 Jun 02 for 6 yrs. Svd: 02 Yrs 11 Mo 16 Das, all AMS.

b. Grade Status: AB - 12 Apr 05 (Article 15, 12 Apr 05)
SrA - 19 Nov 04
AlC - 19 Jul 02
Amn - 04 Dec 02

c. Time Lost: None.

d. Art 15's: (1) 12 Apr 05, Pope AFB, NC - Article 112a. You did, within the continental United States, between on or about 1 Dec 04 and 28 Dec 04, wrongfully use marijuana. Reduction to AB and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 4 Jun 02 - 29 Feb 04 Pope AFB 5 (HAF Dir)
1 Mar 04 - 28 Feb 05 Pope AFB 5 (Annual)

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

i. Stmt of Sv: TMS: (03) Yrs (03) Mos (28) Das
TAMS: (02) Yrs (11) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Nov 05.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

27DEC05/ia



DEPARTMENT OF THE AIR FORCE
23D AIRCRAFT MAINTENANCE SQUADRON (ACC)
POPE AIR FORCE BASE NORTH CAROLINA

FD 2005-00443

28 Apr 05

MEMORANDUM FOR AB: [REDACTED]

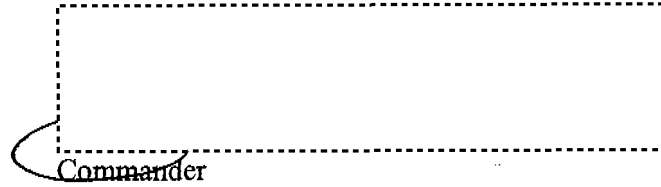
FROM: 23 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Drug Abuse. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.54. This action could result in your separation with an Under Other Than Honorable Conditions (UOTHC) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.
2. My reason for this action is between on or about 1 Dec 04 and on or about 28 Dec 04, you wrongfully used Marijuana, as documented by an AF 3070, Record of Nonjudicial Punishment Proceedings, dated 12 Apr 05 and a Report of Investigation, dated 4 Mar 05.
4. Military counsel may be obtained to assist you. Contact TSgt [REDACTED] (extension 4-2362) at the Area Defense Counsel's office, to schedule an appointment with the Area Defense Counsel (ADC). You may have a military counsel other than the ADC, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.
5. You have the right to submit a statement on your behalf. Any statements you want the Separation Authority to consider must reach me by 3 May 05 at 1600 unless you request and receive an extension for good cause shown. Any submitted statements will be forwarded to the Separation Authority.
6. If you fail to consult counsel or to **submit statements on your behalf within three duty days**, your failure will constitute a waiver of your right to do so.
7. You have been scheduled for a medical examination. You must report to the Pope AFB Flight Medicine Clinic on 6 May at 1300 hours 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 at <http://www.e-publishing.af.mil/>.

FD2005-00443

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


Commander

Attachments:

1. AF Form 3070, 12 Apr 05 (3 pgs)
2. Report of Investigation, dated 4 Mar 05 (19 pgs)
3. Receipt of Notification Memorandum