

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00456

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:

Although not explicitly stated, the applicant contends his discharge was inequitable because it was too harsh. He states that he was told by command, verbally as well as in writing, that his overall service had been honorable with the exception of the drug abuse. The records indicated the applicant received a DD Form 214 for his active duty (AGR tour) from June 8, 1990 through April 9, 2000. In accordance with *Air National Guard Instruction 36-3201, Air National Guard Separation Documents*, all members separated or discharged from the Air National Guard will be issued an NGB Form 22, *Report of Separation/Discharge and Record of Service*. The NGB Form 22 is used to document "all" creditable service (to include active duty). During his last term of service (3 years, 3 months, 4 days), the Arizona Air National Guard documented his character of service as general under honorable conditions with the authority and reason as drug abuse. 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 TSgt) (HGH MSGT)

1. MATTER UNDER REVIEW:

Appl rec'd a GENERAL Disch from 161st ARW, Phoenix, AZ on 03 Oct 2000 UP AFI 36-3209, para 3.21.3.2 (Misconduct - Drug Abuse). Appeals for Upgrade Discharge

2. BACKGROUND:

- a. DOB: 18 May 1960 Enlmt Age: 17 Disch Age: 40 Educ: High School
AFQT: A-86 E-70 G-86 M-84 DAS: 30 Jun 1987
PAFSC: 2S031 - Supply Management
- b. Prior Sv: (1) Enlisted in U.S. Navy 26 May 77 for 4 yrs. Reenlisted 24 Mar 81 for 4 yrs. Svd: 7 yrs 9 months 27 days, all AMS. AZ3(E4) - 16 Jul 79. AZ2(E5) - 16 May 81.
- (2) Enlisted AS SSgt 30 Jun 87 for 3 yrs. Two extentions totalling 7 yrs. Svd: 10 yrs 0 months 0 days, of which AMS is 7yrs 00 months 22 days. TSgt - 5 May 90. MSgt - 5 May 92. TSgt - 5 May 92 (Demotion without prejudice). Active Duty Performance Reports: Excellent, Excellent, Superior, Excellent, Satisfactory, Excellent.

3. SERVICE UNDER REVIEW:

- a. Enld as TSgt on 30 Jun 1997 for 6 Years. Svd: 03 yrs 03 months 04 days, of which AMS is 02 yrs 09 months 09 days.
- b. Grade Status: None.
- c. Time Lost: None.
- d. Art 15's: None.
- e. Additional: None.
- f. Court Martial: None.
- g. Record of SV: 08 Jun 97 - 29 Mar 98 Sky Harbor IAP Marginal (CRO)
13 Apr 98 - 01 May 99 Sky Harbor IAP Satisfactory (Annual)
- h. Awards and Decs: AFAM W/2 OLCS, NCOPMER, NAVYGCM, N & MCEM, AFOUA W/Valor
W/1 OLC, NEA, MUC, NDSM, SSSDR, AFTR, AFLSAR, ARFMMSM W/3 OLCS,
ADF RES W/3 OLCS.
- i. Statement of Sv: TMS: 21 years 1 months 1 days
TAMS: 17 years 10 months 22 days

4. BASIS ADVANCED FOR REVIEW:

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicants Issues.
2. Four DD Forms 214.
3. NGB 22.

11JAN06/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.
ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

- a. DOCUMENT 1:
US Navy DD 214 dated 22 March 1985 - Character of Service - "Honorable"
- b. DOCUMENT 2:
AZANG - 161st ARW/DOC DD 214 dated 9 April 2000 - Character of Service - "Honorable"
- c. DOCUMENT 3:
National Guard Bureau (NGB 22), dated 3 October 2000 - Character of Service - "General Under Honorable Conditions"

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

On 9 April 2000, I was discharged from the Arizona Air National Guard, 161st Air Refueling Wing under Title 10 with an "Honorable" discharge. This is reflected on document 1, DD Form 214, under the character of service section also dated 9 April 2000.

In late October 2000, I received via the USPS, document 3. The National Guard Bureau (NGB) had sent me a "Report of Separation and Record of Service" or NGB Form 22. Item #24 of this form indicates that my character of service was not honorable but rather a "General Under Honorable Conditions." I was dumbfounded by this major discrepancy between these two documents, which had apparently been prepared and signed by the same individual.

Without a doubt, my dismissal from active duty, Title 10, with less than 2 years remaining until my eligibility for a full military retirement was to be realized, that by my violating the DOD's zero tolerance regarding controlled substances was inexcusable and most regrettable on my behalf. This resulted in my immediate dismissal from active duty. I understood and accepted these consequences as my faith. However, I had been told my command had verbally, as well as in writing, (DD 214) that overall my service had been honorable and without stipulation with the only exception to this being my substance abuse problems. My many achievements and dedication to the mission, service in Desert Storm, certification as a Master Training Specialist, extended duty as a Recruit Company Commander as NCOIC of C2 for the alert SIOP, I had, overall served my country honorably. Certainly I felt this way as well, then and now.

It is for these stated and document reasons, I therefore respectfully request that a Record Review Board make my character of service, which would be reflected on all applicable documents contained within my service record, indicate my character of service as "Honorable", without stipulation.

In advance of your anticipated courtesies, I thank you.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

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

a. DATE (YYYYMMDD) **2005-11-22** d. SIGNATURE *[Signature]*

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001

FD2005-00456

ARIZONA AIR NATIONAL GUARD
161 MILITARY PERSONNEL FLIGHT
PHOENIX, AZ 85034-7263

Personnel Data-Privacy Act of 1974 (5 USC .552a)

SPECIAL ORDER
AO - 3

15 OCT 00

TSG [REDACTED] (Mailing Address: 4535 W EVA ST
GLENDALE, AZ 85302-3715) is relieved from assignment with the 161 LOGISTICS
SQUAD (A51LF2JF), AzANG, 3200 EAST OLD TOWER RD, PHOENIX, AZ 85034-6098 and
discharged from the AzANG and as a Reserve of the Air Force effective 03
OCT 00. Type Discharge: General under honorable conditions. The verbal
order of The Adjutant General on 03 OCT 00 is confirmed, circumstances
prevented written order in advance. Authority: AFI 36-3209.

FOR THE COMMANDER

/S/OFFICIAL/S/

[REDACTED]
Commander

DISTRIBUTION : F

SO AO - 3