

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE AB	AFSN/SSAN _____
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL YES No _____ _____ _____ X		NAME OF COUNSEL AND OR ORGANIZATION _____	
		ADDRESS AND OR ORGANIZATION OF COUNSEL _____	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UNTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.53	INDEX NUMBER A67.70	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 05 Jun 2006	CASE NUMBER FD-2005-00464	

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 	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT	DATE: 6/6/2006
TO: SAI/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

CASE NUMBER

FD-2005-00464

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 did not submit any issues. The records indicated the applicant was convicted by a Special Court Martial for the wrongful use of cocaine. The Board concluded the misconduct was a significant departure from conduct expected of all military members, found no inequity or impropriety in his discharge, and concluded the misconduct of the applicant appropriately characterized his term of service. 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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Vandenberg AFB, CA on 10 Jun 05 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 22 Oct 85. Enlmt Age: 17 9/12. Disch Age: 19 7/12. Educ: HS DIPL. AFQT: N/A. A-63, E-80, G-68, M-77. PAFSC: 2M011B - Missile and Space Systems Electronic Maintenance Helper. DAS: 19 May 04.

b. Prior Sv: (1) AFRes 24 Jul 03 - 2 Feb 04 (6 months 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Feb 04 for 4 yrs. Svd: 01 Yrs 04 Mo 08 Das, of which AMS is 1 yr 3 months 15 days (excludes 22 days lost time).

b. Grade Status: AB - 4 Mar 05 (Special Court Martial, 18 Feb 05)
Amn - 3 Aug 04

c. Time Lost: 18 Feb 05 thru 11 Mar 05 (22 days).

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial - 18 Feb 05

CHARGE: Article 112a. Plea: Not Guilty. Finding: Guilty.

Specification: Did, between on or about 13 Sep 04 and on or about 20 Sep 04, wrongfully use cocaine. Plea: Not Guilty. Finding: Guilty. Sentence adjudged on 18 Feb 05: Reprimand, reduction to AB, forfeiture of \$500.00 pay per month for 6 months, confinement for 1 month, 2 months hard labor without confinement, to be restricted to the limits of Vandenberg AFB for a period of 2 months.

g. Record of SV: None.

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

i. Stmt of Sv: TMS: (01) Yrs (10) Mos (17) Das
TAMS: (01) Yrs (03) Mos (15) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 25 Oct 05.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. DD Forms 214 (Member 4&1).

18JAN06/ia

FD 2005-00464



DEPARTMENT OF THE AIR FORCE
30TH SPACE WING (AFSPC)

29 APR 2005

MEMORANDUM FOR AB: [REDACTED]

FROM: 532 TRS/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 AFPD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as Under Honorable Conditions (General).
2. My reason for this action is that on 18 Feb 05, you were found guilty by a Special Court-Martial of using cocaine between on or about 13 Sep 04 and 20 Sep 04.
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 higher authority will decide whether you will be discharged or retained in the United States Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).
4. You have the right to consult counsel. Military legal counsel is available to assist you. You are to consult the Area Defense Counsel, at Bldg 8500, ext. 6-3627/28, immediately after receiving this. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 4 May (3 duty days) unless you request and receive an extension for good cause shown. I will send them to the separation authority.
6. 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.
7. You have been scheduled for a medical examination. You must report to Family Practice Clinic, 30 MDG on 12 May 05, at 1000 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 the Area Defense Counsel's Office.

GUARDIANS OF THE HIGH FRONTIER

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



Commander

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum