

**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>AB</b>	<b>AFSN/SSAN</b> <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>		<b>NAME OF COUNSEL AND OR ORGANIZATION</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>				
	HON	GEN	UOTHC	OTHER	DENY
					X +*
					X +*
					X +*
					X +*
					X +*

<b>ISSUES</b>	<b>A93.01</b> <b>A66.00</b>	<b>INDEX NUMBER</b>	<b>A66.00</b>	<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>	<b>04 Apr 2006</b>	<b>CASE NUMBER</b>	<b>FD-2005-00475</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, 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.

- + Reenlistment Code
- \* Reason and Authority

<b>SIGNATURE OF RECORDER</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	<b>SIGNATURE OF BOARD PRESIDENT</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>INDORSEMENT</b>		<b>DATE: 4/5/2006</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, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00475**

**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 04 Apr 2006. The following witness also testified on the applicant's behalf: Ms. [ ]  
[ ]

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 are denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

**ISSUE:**

The records indicated the applicant received an Article 15 and one Letter of Reprimand (LOR) for misconduct. The applicant received the LOR for hitting a vehicle and not attempting to contact the owner or Security Police. He also received an Article 15 for wrongful use of marijuana which resulted in reduction to airman basic. 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.

**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 USAF Holloman AFB, NM on 2 Jul 98 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: 29 Jan 78. Enlmt Age: 18 0/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-20, E-67, G-48, M-45. PAFSC: 3M031 - Services Apprentice. DAS: 4 Feb 97.

b. Prior Sv: (1) AFRes 28 Feb 96 - 8 Oct 96 (7 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 9 Oct 96 for 4 yrs. Svd: 01 Yrs 08 Mo 24 Das, all AMS.

b. Grade Status: AB - 8 Jun 98  
A1C - 9 Aug 97

c. Time Lost: None.

d. Art 15's: (1) 8 Jun 98, Holloman AFB, NM - Article 112a. You did, on divers occasions between on or about 16 Feb 98 and on or about 19 Mar 98, wrongfully use marijuana. Reduction to AB. (No appeal) (No mitigation)

e. Additional: LOR, 13 AUG 97 - Hitting a vehicle and not attempting to contact the owner or Security Police.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (02) Yrs (04) Mos (05) Das  
TAMS: (01) Yrs (08) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02 Dec 05.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 214.
3. Police Record Check.
4. Two Character Reference.
5. DD Form 149.

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JAN 13 2006

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

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... 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.

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 d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (if date is more than 15 years) 4. DISCHARGE CHARACTERIZATION RECEIVED (X one) 5. BOARD ACTION REQUESTED (X one)

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 49 SVS Holloman AFB NM BAD CONDUCT UNCHARACTERIZED OTHER (Explain) BOARD ACTION REQUESTED: See Attached

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST Requested modification of re-enlistment code

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON 2005 12 08 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: DD149 + ATTACHMENTS ALREADY ON FILE

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.

10. a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS b. TELEPHONE NUMBER c. E-MAIL d. FAX NUMBER

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.

12. a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE b. TELEPHONE NUMBER c. E-MAIL d. FAX NUMBER

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. CASE NUMBER (Do not write in this space.) a. SIGNATURE - REQUIRED b. DATE SIGNED - REQUIRED 20060110

FD 2005-00 475

8 November 2005

To All Reviewing Authorities,

My name is [redacted], I would like to enlist in the Army National Guard, but have been meeting some resistance. Please allow me to tell you of the situation. About 7 years ago I made a mistake while enlisted in the Air Force. The mistake was that I had experimented with marijuana and failed the drug screening. I was then discharged.

Now that some time has passed I have found myself longing for the camaraderie that I had found while I was in the Air Force. I also have plans to go to college but as things are I just can't go to school and work both there just aren't enough hours in the day.

I know that what I did in the past was wrong and it was a mistake that I am not going to make again. I hope that this one incident will not be held against me and that I am granted the honor and privilege of serving my country in whatever capacity that I may.

Sincerely Yours,

[redacted]

FD 2005-00 475



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 49TH FIGHTER WING (ACC)  
HOLLOMAN AIR FORCE BASE, NEW MEXICO

18 JUN 1998

MEMORANDUM FOR AB: [redacted]

FROM: 49 SVS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for drug abuse. The authority for this action is AFI 36-3208, Section H, 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 conditions (general) discharge.

2. My reasons for this action are as follows: You did, at or near Holloman AFB, New Mexico, on divers occasions between on or about 16 February 1998 and on or about 19 March 1998, wrongfully use marijuana. For your misconduct, you received nonjudicial punishment by Article 15, UCMJ on 8 June 1998. (Atch)

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial 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.

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 Captain [redacted] Area Defense Counsel, Building 302, Holloman AFB, phone 3474, at 1100 hours on 18 June 1998. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 22 Jun 98 unless you request and receive an extension for good cause shown. I will forward your statements 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 Flight Medicine, Bldg 17, at 1000 hours on 11 June 1998 for the examination.

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 office of the Area Defense Counsel.

8. You must execute the attached receipt and return it to me immediately. This receipt does not admit or deny any of the allegations against you, nor does it mean that you agree with the discharge action. It is simply an acknowledgment that you have received this Letter of Notification.

[Redacted Signature Box]

Commander

Attachments:

1. Article 15, 8 June 1998
2. AF ROI 98225D17-S829679