

**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>A1C</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES		
	<b>X</b>	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					<b>X</b>
<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					<b>X</b>
<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					<b>X</b>
<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					<b>X</b>
<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					<b>X</b>

ISSUES <b>A94.05</b>	INDEX NUMBER <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 HE

HEARING DATE <b>19 Sep 2006</b>	CASE NUMBER <b>FD-2006-00043</b>	
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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 in 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: 40px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 40px; width: 100%;"></div>
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INDORSEMENT	DATE: 9/25/2006
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

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2006-00043**

**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:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh and was based on one isolated incident after 47 months of service. The records indicated the applicant received an Article 15 for misconduct. The Article 15 was for wrongful use of marijuana. He was punished with a reduction in grade to airman first class. 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.

Issue 2. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on September 30, 1994) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Davis-Monthan AFB, AZ on 20 Aug 98 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 18 Oct 74. Enlmt Age: 19 8/12. Disch Age: 23 10/12. Educ: HS DIPL. AFQT: N/A. A-50, E-51, G-53, M-68. PAFSC: 2A652 - Aerospace Ground Equipment Journeyman. DAS: 6 May 95.

b. Prior Sv: (1) AFRes 11 Jul 94 - 12 Sep 94 (2 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Sep 94 for 4 yrs. Svd: 03 Yrs 11 Mo 08 Das, all AMS.

b. Grade Status: A1C - 05 Aug 98 (Article 15, 5 Aug 98)  
SrA - 13 Sep 97  
A1C - 13 Jan 96  
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 5 Aug 98, Davis-Monthan AFB, AZ - Article 112a. You, did, at or near Tucson, Arizona, on or about 7 Jul 98, wrongfully use marijuana. Reduction to A1C. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 13 Sep 94 - 12 May 96 Davis-Monthan AFB 4 (Initial)  
13 May 96 - 12 May 97 Davis-Monthan AFB 3 (Annual)

h. Awards & Decs: AFAM, AFTR, NDSM, AFOUA, AFGCM, AFLSAR.

i. Stmt of Sv: TMS: (04) Yrs (01) Mos (10) Das  
TAMS: (03) Yrs (11) Mos (08) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 06 Jan 06.  
(Change Discharge to Honorable)

Issue 1: I wish to use my education benefits to go to school and further my

education to advance further in my career. My discharge was inequitable because it was based on one isolated incident in 47 months of service with no other adverse action.

ATCH  
None.

16MAR06/ia



**DEPARTMENT OF THE AIR FORCE**  
**356TH EQUIPMENT MAINTENANCE SQUADRON (ACC)**  
**DAVIS-MONTHAN AIR FORCE BASE, ARIZONA**

MEMORANDUM FOR A1C:....., 355 EMS 14 AUG 1998

FROM: 355 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically 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 may be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as general.
2. My reason for this action is that on or about 7 July 98, at or near Tucson, AZ, you wrongfully used marijuana. As a result, you received an Article 15.
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 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 and will probably be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subject to recoupment.
4. You have the right to consult counsel. Military legal counsel, Capt:....., building 3510, 3rd floor, west end, extension 5664, has been obtained to assist you. An appointment has been scheduled for you to consult him on 14 AUG 98 at 1430 hours. In addition to military counsel, you have the right to employ 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 19 Aug 98 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 the Physical Exams Office of the Aeromedical Facility, Bldg 412, Rm 3 at 1130 on 17 AUG 98 for the examination.

**Global Power For America**

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, bldg 3510.

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



Commander

**Attachments:**

**1. Supporting Documents**

Record of Nonjudicial Punishment Proceedings, dated 12 Aug 98, 3 pages

**2. Airman's Receipt of Notification Memorandum**