

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 SRA	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	UOTIC	OTHER	DENY
<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					X
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<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					X
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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 HE

HEARING DATE 22 Sep 2006	CASE NUMBER FD-2006-00050
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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: 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: 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**FD-2006-00050**

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 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 applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received two Article 15's and a Record of Individual Counseling for misconduct. The Record of Individual Counseling was for failure to follow checklist procedures. The first Article 15 was for wrongful use of marijuana. He was punished with a reduction in grade to airman basic, forfeiture of pay and 14 days of extra duty. The second Article 15 was for wrongful use of marijuana. This incident resulted in forfeiture of pay and 14 days of extra duty. 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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Eglin AFB, FL on 4 Feb 05 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Oct 81. Enlmt Age: 17 10/12. Disch Age: 23 2/12. Educ: HS DIPL. AFQT: N/A. A-51, E-50, G-55, M-56. PAFSC: 2F051 - Fuels Journeyman. DAS: 30 Apr 00.

b. Prior Sv: (1) AFRes 18 Oct 99 - 4 Jan 00 (2 months 17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 5 Jan 00 for 6 yrs. Svd: 05 Yrs 01 Mo 00 Das, all AMS.

b. Grade Status: AB - 9 Aug 04 (Article 15, 9 Aug 04)
SrA - 18 Jun 02
A1C - 18 Feb 00

c. Time Lost: None.

d. Art 15's: (1) 01 Dec 04, Eglin AFB, FL - Article 112a. You did, within the continental United States, between on or about 1 Jun 04 and on or about 22 Jul 04, wrongfully use marijuana. You, did, within the continental United States, on or about 22 Jul 04, wrongfully possess marijuana. Forfeiture of \$500.00 pay and 21 days extra duty. (No appeal) (No mitigation)

(2) 09 Aug 04, Eglin AFB, FL - Article 112a. You did, within the continental United States, on divers occasions between on or about 1 Jan 04 and on or about 21 Apr 04, wrongfully use marijuana. Reduction to AB, forfeiture of \$350.00 pay per month for 2 months, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: RIC, 19 FEB 04 - Failed to follow checklist procedures.

f. CM: None.

g. Record of SV: 5 Jan 00 - 4 Sep 01 Eglin AFB 3 (Initial)
5 Sep 01 - 4 Sep 02 Eglin AFB 4 (Annual)
5 Sep 02 - 4 Sep 03 Eglin AFB 5 (Annual)

5 Sep 03 - 4 Sep 04 Eglin AFB 1 (Annual)REF

h. Awards & Decs: AFAM, AFTR, NDSM, AFLSA.

i. Stmt of Sv: TMS: (05) Yrs (03) Mos (17) Das
TAMS: (05) Yrs (01) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 25 Jan 06.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. DD Form 214.

21MAR06/ia



DEPARTMENT OF THE AIR FORCE
96TH LOGISTICS READINESS SQUADRON (AFMC)
EGLIN AFB, FLORIDA 32542

FD 1006-00050

MEMORANDUM FOR AB: [REDACTED]

3 Jan 05

FROM: 96 LRS/CCC

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 an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are:

a. You did, within the continental United States, between on or about 1 June 2004 and on or about 22 July 2004, wrongfully use marijuana.

You did, within the continental United States, on or about 22 July 2004, wrongfully possess marijuana. For these offenses you received nonjudicial punishment, dated 1 December 2004.

b. You did, within the continental United States, on divers occasions between on or about 1 January 2004 and on or about 21 April 2004, wrongfully use marijuana. For this offense you received nonjudicial punishment, dated 9 August 2004.

3. Although I am recommending that you receive a general discharge for drug abuse, I am also forwarding the following information to the separation authority for consideration when determining your service characterization.

On or about 18 February 2004, you failed to adhere to the Local Checklist 7-4 (Hydrant Receipt Operation from Westside Storage). For this offense you received a record of individual counseling, dated 19 February 2004

4. 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 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 any special pay, bonus, or education assistance funds may be subject to recoupment.

5. 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] at 904 N. 2nd Street, on 3 Jan 05, at 1330 hours. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me **within 3 duty days** unless you request and receive an extension for good cause shown. I will send them to the separation authority.
7. 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.
8. You have been scheduled for an appointment with the 96th Mission Support Squadron Separations Section on **6 Jan 05**, at **1300** hours.
9. After your briefing, you are to report to the 96th Traffic Management Office with an authorized letter from separations to schedule your TMO pickup.
10. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on **4 Jan 05**, at **1200** hours.
11. You have been scheduled for a medical examination. You must report to 96 MDG Force Health Management, 307 Boatner Rd. on **7 Jan 05**, at **0715** hours for the examination.
12. 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 96 LRS/CCQ.
13. Execute the attached acknowledgment and return it to me immediately.

Section Commander

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum