

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 AB	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 YES No X		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; 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	21 Nov 2006	CASE NUMBER	FD-2006-00107	
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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 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.

INDORSEMENT		DATE: 12/12/2006
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-2006-00107

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. He stated this single action in his life is regrettable. 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 an Article 15 and two Letters of Reprimand for misconduct. The applicant was administratively disciplined with two Letters of Reprimand for failure to obey an order and public intoxication. He received an Article 15 for wrongfully using and distributing a Schedule III controlled substance, Hydrocodone. He was reduced in grade to Airman Basic and required to perform 15 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 Tinker AFB, OK on 1 Aug 05 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Dec 80. Enlmt Age: 21 6/12. Disch Age: 24 7/12. Educ: HS DIPL. AFQT: N/A. A-56, E-50, G-59, M-48. PAFSC: 2A551L - Aerospace Maintenance Journeyman. DAS: 19 Feb 03.

b. Prior Sv: (1) AFRes 24 Jun 02 - 21 Oct 02 (3 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 22 Oct 02 for 6 yrs. Svd: 02 Yrs 09 Mo 10 Das, all AMS.

b. Grade Status: AB - 18 Jul 05 (Article 15, 18 Jul 05)
SrA - 6 Apr 05
A1C - 6 Dec 02

c. Time Lost: None.

d. Art 15's: (1) 18 Jul 05, Tinker AFB, OK - Article 112a. You, did, within the Continental United States, on divers occasions between on or about 1 Dec 04 and on or about 16 Jun 05, wrongfully use Hydrocodone, a Schedule III controlled substance. You, did, within the Continental United States, on divers occasions between on or about 1 Dec 04 and on or about 1 Mar 05, wrongfully distribute Hydrocodone, a Schedule III controlled substance. Reduction to AB, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 18 FEB 03 - Failure to obey order or regulation.
LOR, 08 MAR 04 - Public intoxication and involvement in a disturbance.

f. CM: None.

g. Record of SV: 22 Oct 02 - 22 Jun 04 Tinker AFB 4 (Initial)
23 Jun 04 - 22 Jun 05 Tinker AFB 5 (Annual)

h. Awards & Decs: GWOTSM, AFOUA W/VALOR W/1 OLC, AFOUA, NDSM, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (01) Mos (18) Das

TAMS: (02) Yrs (09) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 03 Mar 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

19APR06/ia

March 1, 2006

United States Air Force

Re: [Redacted]

To Whom It May Concern:

Attached you will find application DD Form 293 requesting change of my discharge summary from general/under honorable conditions to Honorable.

In the six months that have followed my discharge from the Air Force I can honestly tell you that this single action in my life is the most regrettable. If I had it in my power I would start over in the military and finish my six years (or more) in the USAF and learn as much as possible while I was there and leave honorably.

While I was in the military for almost 3 years, I did learn what my life's professional passion was and that is working on aircraft. I so regret not learning more as a Crew Chief and taking the experience with me in the civilian world.

I am presently enrolled and just finished my first block of education at Westwood Aviation Academy in Houston, Texas. This is a 16 month course and I am going full time while looking for a part time job. My current grade average is an A. When I finish I will have my A&P license. I have not been in any trouble of any kind and am doing very well and being the responsible person I knew I always should be.

I am requesting that you please take these things into consideration and allow my discharge to be changed to Honorable. Although I did make a mistake, I don't want it to take away from all the hard work and accomplishments I made while in the Air Force and for the rest of my life. Please give the above information consideration when rendering your decision.

I am Sincerely,

[Redacted Signature]



DEPARTMENT OF THE AIR FORCE
552d MAINTENANCE GROUP (ACC)
TINKER AIR FORCE BASE OKLAHOMA

22 Jul 05

MEMORANDUM FOR AB [REDACTED]

FROM: 552 AMXS/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 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. On or about 16 Feb 03, you absented yourself from your assigned place of duty. You also failed to follow established procedures for out-processing your squadron. Your actions resulted in a delay of your move to your new duty assignment. This is documented in a Letter of Reprimand (LOR) dated 18 Feb 03. See Attachment 1.

b. On or about 29 Feb 04, you were arrested by Midwest City Police for "public intoxication after being involved in a disturbance". This is documented in a LOR dated 8 Mar 04. See Attachment 2.

c. Between on or about 1 Dec 04 and on or about 16 Jun 05, you did, on divers occasions, wrongfully use Hydrocodone, a Schedule III controlled substance. Between on or about 1 Dec 04 and on or about 1 Mar 05, you did, on divers occasions, wrongfully distribute Hydrocodone, a Schedule III controlled substance. You were given an Article 15 with a reduction to the grade of Airman Basic, with a new date of rank of 18 Jul 05. You were also given 15 days extra duty. See Attachment 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 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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] at Building One, on 25 Jul 2005, at 0830 hours. 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 27 Jul 2005 unless you request and receive an

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extension for good cause shown. I will send them 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 Family Practice, Tinker AFB Hospital on 26 Jul 2005, at 1045 hours 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 at Orderly Room.

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



✓
Commander

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum