

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

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-2006-00135
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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.

INDORSEMENT	DATE: 12/5/2006
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-2006-00135

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 an Article 15, a Letter of Reprimand, and a Record of Individual Counseling for misconduct. The applicant received a Letter of Reprimand for drunk and disorderly behavior and a Record of Individual Counseling for being late for work. He received an Article 15 for illegally using marijuana on divers occasions. He was reduced in grade to Airman, forfeited \$150.00 pay, 14 days of extra duty, and a reprimand. 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Pope AFB, NC on 8 May 00 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 22 Feb 79. Enlmt Age: 19 5/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-61, E-44, G-57, M-15. PAFSC: 2S031 - Fuels Apprentice. DAS: 25 Feb 99.

b. Prior Sv: (1) AFRes 31 Jul 98 - 20 Oct 98 (2 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Oct 98 for 4 yrs. Svd: 01 Yrs 06 Mo 18 Das, all AMS.

b. Grade Status: Amn - 13 Apr 00 (Article 15, 13 Apr 00)
A1C - 21 Feb 00
Amn - 21 Apr 99

c. Time Lost: None.

d. Art 15's: (1) 13 Apr 00, Pope AFB, NC - Article 112a. You did, between on or about 20 Feb 00 and on or about 20 Mar 00, on divers occasions, wrongfully use marijuana. Reduction to Airman, forfeiture of \$150.00 pay, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 17 DEC 99 - Late for work.
LOR, 21 JUN 99 - Military arrest for drunk and disorderly behavior.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (09) Mos (08) Das
TAMS: (01) Yrs (06) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Apr 06.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

4MAY06/ia

FD 2006-00/35
27 APR, 00



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 43D AIRLIFT WING (AMC)
POPE AIR FORCE BASE NORTH CAROLINA

MEMORANDUM FOR AMN: [REDACTED] 43 SUPS

FROM: 43 SUPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for drug abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.54. This action could result in your separation with an under other than honorable conditions discharge, if the convening authority determines such characterization is warranted and directs initiation of a discharge board. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. Between, on or about 20 Feb 00 and on or about 2 Mar 00, you did on divers occasions, wrongfully use marijuana, at or near Pope Air Force Base, North Carolina, as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 13 Apr 00.

b. On or about 17 Dec 99, you reported 2 hours late for work, as documented by an AF Form 174, Record of Individual Counseling, dated 17 Dec 99.

c. On or about 1 Jun 99, you were arrested by security forces on Pope Air Force Base, North Carolina, for being drunk and disorderly, as documented by a Letter of Reprimand dated 21 Jun 99.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The 43d Airlift Wing Commander, who exercises SPCM jurisdiction, or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have a right to consult counsel. Military legal counsel has been obtained to assist you. Contact SSgt: [REDACTED] (394-2362) at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult Capt: [REDACTED] the Area Defense Counsel. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

5. You have the right to submit a statement on your own behalf. Any statements you want the separation authority to consider must reach me by 21 May 00 at 1600 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 on your own behalf within three days**, your failure will constitute a waiver of your right to do so.

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 the orderly room.

8. You have been scheduled for a physical examination. **Report to physical exams on 1 May 2000 at 1230 hrs.** In addition, report to Physical Exams/Lab ASAP for HIV screening.



Commander

3 Attachments:

1. AF Form 3070, dated 13 Apr 00
2. AF Form 174, Record of Individual Counseling, dated 17 Dec 99
3. Letter of Reprimand, dated 21 Jun 99