

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE AB	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				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	No		X		
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														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td>2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td>3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td>4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	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
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HEARING DATE 01 Dec 2006	CASE NUMBER FD-2006-00180	
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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-2006-00180

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:

Issue 1. Applicant admits he made a mistake while in the Air Force. The records indicated the applicant had a Special Court Martial in which he was found guilty of using cocaine on divers occasions. He was sentenced by a military judge and was punished with a reduction in grade to Airman Basic, forfeited pay for six months and was placed in military confinement for six months. 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 DRB was pleased to see that the applicant was doing well, has a good job and continuing his education. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 Kirtland AFB, NM on 26 Jun 00 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Mar 75. Enlmt Age: 21 10/12. Disch Age: 25 3/12. Educ: HS DIPL. AFQT: N/A. A-70, E-39, G-53, M-11. PAFSC: 3S051 - Personnel Journeyman. DAS: 3 Sep 97.

b. Prior Sv: (1) AFRes 22 Feb 97 - 20 May 97 (2 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 21 May 97 for 4 yrs. Svd: 03 Yrs 01 Mo 07 Das, all AMS.

b. Grade Status: AB - 18 Apr 00 (SPCMO No.4, 11 May 00)
SrA - 21 Sep 99

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial Order No.4 - 11 May 00

CHARGE: Article 112a. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Albuquerque, New Mexico, on divers occasions, between on or about 8 Jan 00 and on or about 10 Jan 00 wrongfully use cocaine. Plea: Guilty. Finding: Guilty. Sentence adjudged by military judge on 18 Apr 00: Reduction to AB, to be confined for 6 months, and to forfeit \$300.00 pay per month for six months. (Action: Only so much of the sentence that provides for confinement for 3 months, forfeiture of \$300.00 pay per month for 3 months, and reduction to the grade of AB is approved and will be executed).

g. Record of SV: 21 Mar 97 - 15 Oct 98 Kirtland AFB 5 (HAF Dir)
16 Oct 98 - 25 Aug 99 Kirtland AFB 3 (CRO)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (03) Yrs (04) Mos (05) Das
TAMS: (03) Yrs (01) Mos (07) Das

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. College Acceptance Letter.

12JUN06/ia

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

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

OMB No. 0704-0004 OMB approval expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

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 4. DISCHARGE CHARACTERIZATION RECEIVED (X one) 5. BOARD ACTION REQUESTED (X one)

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 377 MSS/KIRTLAND AFB

4. DISCHARGE CHARACTERIZATION RECEIVED (X one) HONORABLE GENERAL/UNDER HONORABLE CONDITIONS UNDER OTHER THAN HONORABLE CONDITIONS BAD CONDUCT (Special court-martial only) UNCHARACTERIZED OTHER (Explain)

5. BOARD ACTION REQUESTED (X one) CHANGE TO HONORABLE CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) CHANGE NARRATIVE REASON FOR SEPARATION TO: I MADE A MISTAKE 6YRS AGO. THIS MISTAKE RUINED MY MILITARY CAREER. I HOPE BY UPGRADING TO HONORABLE I WILL HAVE A SECOND CHANCE. (SEE ATTACHMENT)

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) 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: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.) CHARACTERIZATION LETTER. LETTER OF ADMISSION FROM COLLEGE

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.

I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.

I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

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

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 (Include Area Code) c. E-MAIL d. FAX NUMBER (Include Area Code)

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. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.) CASE NUMBER (Do not write in this space.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above) b. DATE SIGNED - REQUIRED (YYYYMMDD) 2006/05/03

FD 2006-00180

May 2, 2006

RE: Request for Change of Characterization

CERTIFIED MAIL

U.S.A.F. Discharge Review Board
SAF/MIBR
550-C Street West, Ste 40
Randolph A.F.B., TX 78150-4742

Dear Sir or Madam:

I, [REDACTED], am requesting a review of my General Discharge (Under Honorable Conditions) from the United States Air Force. During my tenure in the military, I was an excellent Airman. My EPRs will reflect the potential I had as a successful member of the United States Air Force. While stationed at Kirtland Air Force Base, I was assigned to the Military Personnel Flight. During my somewhat brief military career of three years and two months, I went through a troubling divorce. During this trying time while dealing with this issue, I made a horrible mistake that would detrimentally affect my military career and the rest of my life forever. One weekend, I used cocaine, which caused me to fail a random drug test. This mistake caused embarrassment to my unit, the United States Air Force, my family, and me. This mistake showed a lack of self-respect as well as a lack of integrity on my part.

The most difficult part to accept was that I was solely responsible for ending my career with the USAF. Another significant difficulty was when I had to face my unit and my family. I had to explain to everyone repeatedly, how I had failed and how I had let everyone down. Everyone, who knew me personally, knew the type of person I really was and the potential I had exhibited toward becoming a successful military member for many years to come.

I faced a Court Martial which I was sentenced to 6 long months in confinement, reduction to Airman Basic, and forfeiture on all pay. I received a General Discharge (Under Honorable Conditions). My confinement was at Kirtland Air Force Base, which is the same base I was stationed at for the previous two years. I had to endure the embarrassment of being a prisoner and working details for the military members that were my peers before my confinement. Each day I would tell myself that no one brought this humiliation to me but me. I faced my mistake head on and I sincerely apologize for my failure in the USAF and any disgrace I caused relating to my mistake. By accepting responsibility, I feel I have grown stronger as a person. I still tell myself repeatedly, it is not the fact that I failed a drug test and lost my military career, but it is the fact that I used cocaine that makes this ordeal a nightmare.

Since my release from confinement six years ago, I have tried to restore my dignity and

Request for Change of Characterization

May 2, 2006

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self-respect. I have since married my second wife, who is a wonderful person and now I have two stepchildren who are eight and five. For nearly four years, I have raised them as if they were my own. During this time I have worked many long hours so that my wife could further her education which she will graduate in December with a Bachelors degree in Business Management and a minor in Human Resources. I started out as a sales representative in a cellular business and within one year, I was promoted to an Assistant Retail Business Manager (Assistant Store Manager). The skills and work ethic that I learned in the Air Force have led me to become a successful person in the civilian community.

My stepson and stepdaughter are both active in youth sports which I am also actively participating in by coaching both of their baseball and softball teams. Since first working with youths, I have felt a huge sense of pride and much gratification from watching young children smile and tell me thank you for helping them learn and improve different skills/abilities. One main reason I am asking for an upgrade from a General Discharge to an Honorable Discharge is that I will be attending college this summer in order to become a secondary school teacher. I am motivated by the idea that I will not only educate children, but that I also hope to teach them not make the same types of mistakes that I made as an adult several years ago.

I take full responsibility for making the mistake that in turn destroyed my career that I wanted in the United States Air Force. By granting my request for an upgrade to an Honorable Discharge, I will have a better opportunity of becoming a successful secondary educator. By becoming an educator, I will have a better opportunity to make up for the embarrassing mistake I made by focusing my career on developing our youth. Thank you for taking your time to consider my request, which I respectfully submit for your review. I greatly anticipate hearing from you.

Respectfully,





DEPARTMENT OF THE AIR FORCE
377TH MISSION SUPPORT SQUADRON (AFMC)
KIRTLAND AIR FORCE BASE NEW MEXICO

FD2006-00180

JUN 6 2000

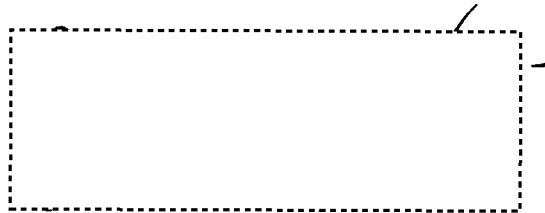
MEMORANDUM FOR AB: [REDACTED]

FROM: 377 MSS/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. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.
2. My reasons for this action are:
 - a. Did, at or near Albuquerque, NM, on divers occasions between on or about 8 Jan 00 and on or about 10 Jan 00, wrongfully use cocaine. For your misconduct you were convicted at a special court-martial on 18 Apr 00. (Atch 1)
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. Special pay, bonuses, or education assistance funds may be subject to recoupment.
4. 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 20200, ext. 6-5554, on 6 Jun at 1300 hours: You may consult 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 within **3 workdays** from today 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, your failure will constitute a waiver of your right to do so.
7. You will complete a medical examination at the 377th Medical Group (Physical Exams) on 7 Jun at 0800.

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 in your unit orderly room.



Commander

Attachments

1. Report of Result of Trial dated 18 Apr 00
2. Other Derogatory Data