

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []		GRADE AMN	AFSN/SSAN []			
TYPE UOTH	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING []		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A93.01		INDEX NUMBER A94.07		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 16 Nov 2006		CASE NUMBER FD-2006-00342				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard at Washington, D.C.</p> <p>The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) via video teleconference between Andrews AFB, Maryland and Travis AFB, California but failed to appear or notify the board</p> <p>Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <p>[]</p>						
INDORSEMENT			DATE: 11/16/2006			
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-2006-00342

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) via video teleconference between Andrews AFB, Maryland and Travis AFB, California but failed to appear or notify the board.

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: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for misconduct. The misconduct included failure to go to his appointed place of duty. Court martial charges were also preferred against the applicant. He was charged with two specifications of wrongful distribution and use of Testosterone Steroids, a Schedule III controlled substance. He submitted a request for discharge in lieu of court-martial and his request was approved. The applicant self-identified for steroid use in April 1997. On December 26, 1997, the applicant sold Steroids to a confidential informant of the Houston County Sherriff's Office. During the course of an investigation, the applicant admitted, in written and oral testimony, to the Air Force Office of Special investigations to the use and distribution of Steroids on multiple occasions. 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.

Applicant also contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 21 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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 UOTHC Disch fr USAF Robins AFB, GA on 11 Jun 98 UP AFI 36-3208, Chapter 4 (Discharge in Lieu of Court Martial). Appeals for an Honorable or General Discharge.

2. **BACKGROUND:**

a. DOB: 22 Aug 76. Enlmt Age: 19 7/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-86, E-47, G-46, M-45. PAFSC: 3P031 - Security Forces Apprentice. DAS: 30 Sep 96.

b. Prior Sv: (1) AFRes 28 Mar 96 - 16 Apr 96 (19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 17 Apr 96 for 4 yrs. Svd: 02 Yrs 01 Mo 25 Das, all AMS.

b. Grade Status: Amn - 22 Jan 98 (Article 15, 22 Jan 98)
A1C - 17 Feb 97

c. Time Lost: None.

d. Art 15's: (1) 22 Jan 98, Robins AFB, GA - Article 86. You did, on or about 9 Jan 98, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 780. Reduction to Airman, and 5 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 17 Apr 96 - 16 Dec 97 Robins AFB 3 (Initial)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (02) Mos (14) Das
TAMS: (02) Yrs (01) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Aug 06.
(Change Discharge to Honorable or General)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Two Character References.
3. AF Form 100.
4. DD Form 214 (Member-1).

28SEP06/ia

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

Form Approved OMB No. 0704-0004 Expires Aug 31, 2006

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

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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Executive Services and Communication Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

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 [X] AIR FORCE [] COAST GUARD
b. NAME (Last, First, Middle Initial)
c. GRADE/RANK AT DISCHARGE E-2
d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 06/11/98
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 78th SPS Warner Robins AFB Georgia
4. DISCHARGE CHARACTERIZATION RECEIVED (X one) [] HONORABLE [] GENERAL/UNDER HONORABLE CONDITIONS [X] 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:

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)
Requesting up-grade to help with my employment. I was young at the time I used a illegal substance in my body building training. I was young and did not know the serious side affects of using steroids in my body building. I was 21-years-old at the time this I now know better and have turned my life around.(cont)
7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) N/A 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.)
Two character witness statements from two U.S. Army Majors.

9. TYPE OF REVIEW REQUESTED (X one) [X] 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 (See Item 10 of the instructions about counsel/representative.) None
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.
[] SPOUSE [] WIDOW [] WIDOWER [] NEXT OF KIN [] LEGAL REPRESENTATIVE [] OTHER (Specify)
12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)
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.)
a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)
b. DATE SIGNED - REQUIRED (YYYYMMDD) 2006 08 24
CASE NUMBER (Do not write in this space.) FD 2006-00342

14. CONTINUATION OF ITEM 6: ISSUES (If applicable)

I turned myself in for using steroids. I was working out at a gym off base and that is where I got introduced to steroids. I finally realized that I had a problem and turned myself into my supervisor. I was seeking help at that time. I feel that since I turned myself in and made the choice to get off of steroids, I should be given a second change. I am requesting a up-grade to General Under Honorable Conditions or Honorable. I am needing this up-grade so I can go to work with law enforcement. I am now 30 years old, married with four step children. I have had no further use of steroids since my discharge from the military. Your consideration and understanding in this matter is welcomed and appreciated. I thank the Board for it's time and consideration in this matter.

15. CONTINUATION OF ITEM 8: SUPPORTING DOCUMENTS (If applicable)

16. REMARKS (If applicable)

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

<p align="center">ARMY</p> <p>Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)</p>	<p align="center">NAVY AND MARINE CORPS</p> <p>Naval Council of Personnel Boards 720 Kennon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023</p>
<p align="center">AIR FORCE</p> <p>Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p align="center">COAST GUARD</p> <p>U.S. Coast Guard Commandant (G-WPM) 2100 Second Street, S.W. Room 5500 Washington, DC 20593</p>

CHARGE SHEET

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I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)		2. SSN	3. GRADE OR RANK AMN	4. PAY GRADE E-2
5. UNIT OR ORGANIZATION 78th Security Forces Squadron (AFMC) Robins Air Force Base, Georgia 31098			6. CURRENT SERVICE	
			a. INITIAL DATE 17 Apr 96	b. TERM 4
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		
\$1,038.30		\$1,038.30	9. DATE(S) IMPOSED	

II. CHARGES AND SPECIFICATIONS

10. CHARGE: VIOLATION OF THE UCMJ, ARTICLE 112a

SPECIFICATION: 1
 In that, AIRMAN: _____; 78th Security Forces Squadron, Robins Air Force Base, Georgia, did, at or near Robins Air Force Base, Georgia, between on or about 1 April 1997 and 26 December 1997, wrongfully distribute approximately \$280.00 worth of Testosterone Steroids, a schedule 3 controlled substance.

2
 SPECIFICATION 2:
 In that, AIRMAN: _____; 78th Security Forces Squadron, Robins Air Force Base, Georgia, did, at or near Robins Air Force Base, Georgia, between on or about 1 April 1997 and 26 December 1997, wrongfully use Testosterone Steroids, a schedule 3 controlled substance.

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI)	b. GRADE Lt Colonel	c. ORGANIZATION OF ACCUSER 78th Security Forces Squadron
d. SIGNATURE	e. DATE 19 May 98	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 19th day of May, 19 98, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

 Typed Name of Officer

Warner Robins Air Logistic Center
 Organization of Officer

Captain _____
 Signature

Assistant Staff Judge Advocate
 Official Capacity to Administer Oath
 (See R.C.M. 307(b)-must be commissioned officer)

12.

On 19 May 98, the accused was informed of the charges against him and of the name(s) of the accuser(s) known to me (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

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[Redacted]

78th Security Forces Squadron

Typed Name of Immediate Commander

Organization of Immediate Commander

(Lt Colonel) USAF

[Redacted]

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1350 hours, 27 May 19 98 at _____ Designation of Command or

78th Air Base Wing (AFMC)

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹ COMMANDER

[Redacted]

Staff Judge Advocate

Official Capacity of Officer Signing

Typed Name of Officer

Colonel, USAF

Grade

[Redacted]

V. REFERRAL: SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

b. DATE

78th Air Base Wing (AFMC)

Robins AFB, Georgia

Referred for trial to the Special court-martial convened by _____

_____ 19 98, subject to the following instructions: ² None

By COMMANDER of _____
Command or Order

[Redacted]

Staff Judge Advocate

Official Capacity of Officer Signing

Typed Name of Officer

Colonel, USAF

Grade

[Redacted]

Signature

15.

On _____ 19 98, I (checked to be) ~~checked to be~~ served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

Grade or Rank of Trial Counsel

[Redacted]

Signature

FOOTNOTES: 1- When an appropriate commander signs personally, inapplicable words are stricken.
2- See R.C.M. 601(a) concerning instructions. If none, so state.