

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTIC	OTHER	DENY
[ ]					X*+
[ ]					X*+
[ ]					X*+
[ ]					X*+
[ ]					X*+

ISSUES <b>A92.21</b> <b>A93.01</b>	INDEX NUMBER <b>A67.30</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> 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 <b>13 Mar 2007</b>	CASE NUMBER <b>FD-2005-00126</b>
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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.

- \* Reason and Authority
- + Reenlistment Code

SIGNATURE OF RECORDER  [ ]	SIGNATURE OF BOARD PRESIDENT  [ ]
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<b>INDORSEMENT</b>  TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>DATE: 3/19/2007</b>  FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FL.OOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00126**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are 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 four years ago. He contends that he has grown and desires an upgrade so that he will not carry that mistake into his future. Since his discharge, the applicant completed his associate's degree in welding. He is now married and has a son. The records indicated the applicant had a General Court Martial for wrongfully using marijuana and methylenedioxymethamphetamine (Ecstasy). He was punished with a reduction in grade to Airman Basic, forfeiture of \$600.00 pay for eight months, and confinement for eight 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 and has a good job. 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Hickam AFB, HI on 26 Sep 01 UP AFI 36-3208, para 5.52.3 (Pattern of Misconduct - Commission of Serious Offense - Other Serious Offense). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 31 Aug 80. Enlmt Age: 18 6/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-46, E-44, G-44, M-30. PAFSC: 3P031 - Security Forces Appentice. DAS: 01 Jun 99.

b. Prior Sv: (1) AFRes 30 Mar 99 - 11 May 99 (1 month 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 May 99 for 4 years. Svd: 02 Yrs 04 Mo 14 Das, of which AMS is 01 Yrs 11 Mos 14 Das (ex. 05 Mos 00 Das lost time).

b. Grade Status: AB - 03 May 01 ( GCMO No. 10, 12 Jun 01)  
A1C - 12 Sep 00  
Amn - 12 Nov 99

c. Time Lost: 19 Apr 01 - 18 Sep 01 (5 Months 00 Days).

d. Art 15's: None.

e. Additional: NONE.

f. CM: General Court-Martial - 12 Jun 01.

CHARGE I: Article 112a.

Specification 1: Did, at or near the island of Oahu, Hawaii, on divers occasions, between on or about 1 Jul 00 and on or about 1 Jan 01, wrongfully use marijuana. Plea: Guilty. Findings: Guilty.

Specification 2: Did, at or near the island of Oahu, Hawaii, on divers occasions, between on or about 1 Jul 00 and on or about 1 Jan 01, wrongfully use methylenedioxymethamphetamine. Plea: Guilty. Findings: Guilty.

CHARGE II: Not Guilty.

Sentence adjusted on 19 Apr 01: Reduction to AB, forfeiture of

\$600 pay per month for 8 months, and confinement for 8 months  
(only 6 months confinement approved by Commander).

g. Record of SV: 12 May 99 - 01 Feb 01 Hickam AFB 1 (Initial)

h. Awards & Decs: AFTR, AFOSLTR.

i. Stmt of Sv: TMS: (02) Yrs (00) Mos (25) Das  
TAMS: (01) Yrs (11) Mos (14) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Mar 05.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority  
for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Two copies of DD Form 214.
3. Twelve Letters of Character Reference.

14JUN05/day

**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.)

Form Approved  
OMB No. 0704-0004  
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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services and Communications 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	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE			d. SOCIAL SECURITY NUMBER	
	E-3/A1C				

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		5. BOARD ACTION REQUESTED (X one)
	<input type="checkbox"/> HONORABLE <input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS		
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	BAD CONDUCT (Special court-martial only)		CHANGE TO HONORABLE
	UNCHARACTERIZED		CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	OTHER (Explain)		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.)  
I am requesting a upgrade to an honorable discharge for myself, and my family. Since the horrible mistake I made four years ago, I have completed my associates degree in welding graduating with honors. I got married and we have a wonderful eighteen month old son named; Every day I think about how I could have avoided my mistake that ended my military career, and confined me to the Pearl Harbor Naval Brig.

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.)

**9. TYPE OF REVIEW REQUESTED (X one)**

<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	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.)	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)	CASE NUMBER (Do not write in this space.)
	2005MAR29	FD 2005-00126

**14. CONTINUATION OF ITEM 6, ISSUES (If applicable)**  
 Those thoughts will be with me forever, and I have learned from them. I have grown immensely since then and looking back I can honestly say; that experience was for the good. I have learned how to not get in that situation again, or let others make the same mistake I have. I'm twenty four years old now and looking towards the future, hoping the weight of my discharge will not be with me for the rest of my life. I would greatly appreciate you consideration of my request.

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

**16. REMARKS (If applicable)**

**MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.**

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

DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

2 Aug 01

MEMORANDUM FOR AB: [REDACTED]

FROM: 15 SFS/CC

SUBJECT: Notification Memorandum

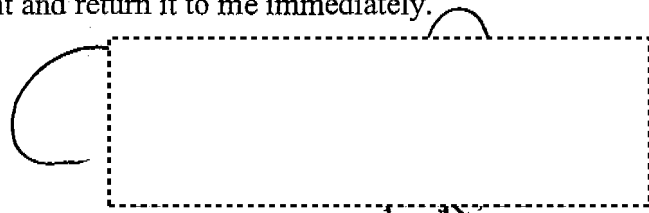
1. I am recommending your discharge from the United States Air Force for the commission of serious offenses under the Uniform Code of Military Justice (UCMJ). Authority for this action is AFPD 36-32, and AFI 36-3208, paragraph 5.52.3. If this discharge action is approved, your service can be characterized as either Honorable or General. I am recommending that your service be characterized as General.
2. My reasons for this action is that, on 19 Apr 01, you were convicted by General Court-Martial (GCM) for two violations of Article 112a, UCMJ, for wrongful use of a controlled substance. Specifically, you wrongfully used both marijuana and methylenedioxymethamphetamine, on divers occasions. For these offenses, you were sentenced to reduction in rank to E-1 (Airman Basic), forfeiture of \$600 pay per month for eight months, and confinement for eight months.
3. Copies of documents to be forwarded to the separation authority in support of this recommendation are attached. The commander, exercising Special Court-Martial jurisdiction or higher authority, will decide whether you will be discharged or retained by the Air Force. The commander will also decide how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and can be denied enlistment in any component of the United States Armed Forces. Additionally, you will be ineligible for any special pay, bonus, or education assistance offered by the Armed Forces.
4. You have the right to consult legal counsel. Capt: [REDACTED]; Kadena Area Defense Counsel, Kadena AB, Japan, has been obtained to assist you. An appointment will be scheduled for you to consult with her. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 6 Aug 01 unless you request and receive an extension for good cause shown. I will forward any statements to the separation authority.
6. If you fail to consult counsel or to submit statements on your own behalf, your failure to do so will constitute a waiver of this privilege.

7. You will be scheduled for a medical examination. You will be notified once an appointment has been scheduled for you.

8. You must contact Separations, **in uniform**, located in the Military Personnel Flight, at 449-2276, ext. 149 or 141, as soon as possible within receipt of this letter to set up an initial separations appointment. During this appointment you will surrender your (including family members) active Duty ID card(s), and temporary ID(s) will be issued.

9. 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 through your Commander's Support Staff.

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



Commander, 15<sup>th</sup> Security Forces Squadron

Attachments:

GCM Order No. 10, 12 Jun 01