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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2006-00213

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 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:

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received a General discharge for misconduct (drug abuse). 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 SRA) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF Malmstrom AFB, MT on 17 May 05 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. BACKGROUND:

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a. DOB: 5 Oct 81. Enlmt Age: 19 6/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-51, E-45, G-50, M-37. PAFSC: 3P051 - Security Forces Journeyman. DAS: 31 Oct 01.

b. Prior Sv: (1) AFRes 12 May 01 - 21 May 01 (10 days) (Inactive).

3. SERVICE UNDER REVIEW:

- a. Enlisted as AB 22 May 01 for 4 yrs. Svd: 03 Yrs 11 Mo 27 Das, all AMS.
- b. Grade Status: SRA 22 May 04 A1C - 22 Sep 02 Amn - 22 Nov 01
- c. Time Lost: None.
- d. Art 15's: None.
- e. Additional: None.
- f. CM: None.
- g. Record of SV: 22 May 01 21 Jan 03 Malmstrom AFB 5 (Initial) 22 Jan 03 - 21 Jan 04 Malmstrom AFB 4 (Annual) 22 Jan 04 - 21 Jan 05 Malmstrom AFB 5 (Annual)
- h. Awards & Decs: NDSM, AFTR, AFOUA W/3 OLCS, GWOTSM, AFGCM.
- i. Stmt of Sv: TMS: (04) Yrs (00) Mos (06) Das TAMS: (03) Yrs (11) Mos (27) Das
- 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 13 May 06. (Change Discharge to Honorable)

ISSUES ATTACHED.

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- Applicant's Issues.
 Certificate of Recognition.
 Letter of Appreciation.
 Three Enlisted Performance Reports.

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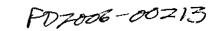
FD2006-00213

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	7	PRIVACY	ACT STATEMENT				
AUTHORITY: 10 U.S.C. 1553; E.O. 9397 PRINCIPAL PURPOSE(S): To apply for a c ROUTINE USE(S): None. DISCLOSURE: Voluntary; however, failure Social Security Number is strictly to assur	hange e to pr	rovide identifying i	nformation may impede	processing o	of this		
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<u>10 mgy 05</u> (Date)

MEMORANDUM FOR 341 SFS (ATTN: SrA

FROM: 341 SFS/CC

SUBJECT: Notification Memorandum

1. Pursuant to AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.54, I am recommending your discharge from the United States Air Force for drug abuse. This action could result in your separation with an under other than honorable conditions discharge. I am recommending a general discharge.

DEPARTMENT OF THE AIR FORCE HEADQUARTERS 341ST SPACE WING (AFSPC)

2. My reasons for this action are:

On divers occasions between 2 Apr 05 and 10 Apr 05, you wrongfully used marijuana. As further evidence of this drug use see attached report of investigation by OSI received 9 May 05 which includes a positive urinalysis report dated 15 Apr 05.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial 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 and any special pay, bonus, 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 the Area Defense Counsel, x4723, 7015 Goddard Drive, Bldg 145, Room 144 on <u>*Imagos*</u> at <u>0900</u>. 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 by COB 13 r e y os (3 duty days) unless you request and receive an extension for good cause shown. I will send all submitted statements to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to the 341st Medical Group Force Health Management Section, x4405, at N/P hours on P/A for the examination. You <u>MUST</u> be in uniform for this appointment. If you wear glasses, you must also bring them to this appointment.

FOR OFFICIAL USE ONLY

Guardians of the High Frontier

FD2006-00213

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, *Administrative Separation of Airmen*, is available for your use at your orderly room.

9. Execute the attached acknowledgement and return it to me immediately.

Commander, 341" Security Forces Squadron

Attachments:

1. Supporting documents:

a. Report of Investigation received 9 May 05, 22 pages

2. Airman's Receipt of Notification Memorandum