

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>  [ ]		<b>GRADE</b>  AB	<b>AFSN/SSAN</b>  [ ]			
<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>			
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<b>YES</b>	<b>No</b>					
	<b>X</b>					
<b>MEMBER SITTING</b>  [ ]		<b>VOTE OF THE BOARD</b>				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
<b>ISSUES</b> A93.23 A92.21 A94.05		<b>INDEX NUMBER</b> A66.00		<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	
<b>HEARING DATE</b> 25 Jan 2007		<b>CASE NUMBER</b> FD-2006-00223		<b>TAPE RECORDING OF PERSONAL APPEARANCE HE</b>		
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>						
<p>Case heard in Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>          						
<b>INDORSEMENT</b>				<b>DATE: 2/8/2007</b>		
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002		

**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. Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant had a Special Court Martial, received an Article 15, a Letter of Reprimand, and three Records of Individual Counseling for misconduct. Applicant had a Special Court Martial for wrongful use of marijuana. He was sentenced by a military judge and punished with a reduction in grade to Airman Basic, 45 days confinement and forfeiture of pay for two months. He had additional misconduct and received an Article 15 for failure to go to appointed place of duty. He was reduced in grade to Airman First Class. His record also indicated he had been administratively disciplined for being late for work and financial irresponsibility. 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.

Issue 2. The DRB was pleased to see that the applicant was doing well and has a good job as an electrician. 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 Barksdale AFB, LA on 21 Jun 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 17 Oct 78. Enlmt Age: 19 6/12. Disch Age: 23 8/12. Educ: HS DIPL. AFQT: N/A. A-76, E-79, G-78, M-46. PAFSC: 2A157 - Electronic Warfare Systems Journeyman. DAS: 12 Jun 01.

b. Prior Sv: (1) AFRes 21 Apr 98 - 12 May 98 (22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 May 98 for 6 yrs. Svd: 04 Yrs 01 Mo 08 Das, of which AMS is 3 Yrs 11 Months 23 Days (excludes 1 month 15 days lost time).

b. Grade Status: AB - 30 Apr 02 (SPCMO No.10, 19 Jun 02)  
A1C - 18 Apr 02 (Article 15, 18 Apr 02)  
SrA - 27 Oct 00  
A1C - 27 Jun 98

c. Time Lost: 45 days (1 month 15 days).

d. Art 15's: (1) 18 Apr 02, Barksdale AFB, LA - Article 86. You did, on or about 5 Apr 02, without authority, go from your appointed place of duty, to wit: 11 Bomb Squadron Specialist Flight, hanger 10. Article 107. You did, on or about 5 Apr 02, with intent to deceive, make to TSgt [REDACTED], an official statement, to wit: that you "had a hospital appointment at 0830," or words to that effect which statement was totally false, and was then known by you to be so false. Reduction to A1C.  
(No appeal) (No mitigation)

e. Additional: LOR, 23 APR 02 - Late for work.  
RIC, 20 AUG 01 - Financial irresponsibility.  
RIC, 12 JUL 01 - Late for duty.  
RIC, 06 JUL 01 - Late for duty.

f. CM: Special Court Martial Order No.10 - 19 Jun 02

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

Specification: Did, on one or more occasions, at or near

Shreveport, LA, from on or about 29 Sep 01 to on or about 15 Nov 01, wrongfully use marijuana. Plea: Guilty, except the words "on one or more occasions"; to the excepted words Not Guilty. Finding: Guilty, except the words "on one or more occasions"; to the excepted words Not Guilty. Sentence adjudged by military judge on 30 Apr 02: Confinement of 45 days, forfeiture of \$737.00 pay per month for 2 months, and reduction to AB.

g. Record of SV: 13 May 98 - 15 Jan 00 Moody AFB 5 (HAF Dir)  
16 Jan 00 - 15 Jan 01 Osan AB 5 (Annual)

h. Awards & Decs: AFTR, NDSM, AFLSAR, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (04) Yrs (00) Mos (16) Das  
TAMS: (03) Yrs (11) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 07 Jun 06.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Character References.

17JUL06/ia

FD2006-00273

I, \_\_\_\_\_, am requesting an upgrade of my discharge from the United States Air Force. In the fall of 2000, while stationed at Osan AB, ROK, I found out, through the Red Cross, that my mother was losing her battle with breast cancer. I immediately applied for, and was granted, a humanitarian reassignment to Barksdale AFB, La. Unfortunately, while in route my mother passed away. This took a toll on my mental health and caused me to make some decisions that had an adverse affect on my personal life as well my military career. Prior to my mother's passing, my records indicate exemplary service to my country. I am currently employed at Union Pacific Rail Road as an electrician. I was able to attain this job due to the training I received while on active duty. Since being employed at Union Pacific I have been an ideal employee and am currently in line for a promotion. In the pursuit of my promotion I am also furthering my education. I feel that an upgrade in my discharge status would allow me excel to even higher levels with the company. I humbly ask that you would consider my case.

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 Kennen 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 (COMR) 2100 Second Street, S.W. Room 5500 Washington, DC 20593</p>

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**DEPARTMENT OF THE AIR FORCE**  
**HEADQUARTERS 2D BOMB WING (ACC)**  
**BARKSDALE AIR FORCE BASE, LOUISIANA**

MEMORANDUM FOR AB: [redacted]

FROM: 11 BS/CC

SUBJECT: Notification Letter – Administrative Discharge

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, para 5.54. If my recommendation is approved, your service may be characterized as under honorable conditions (general).
2. My reasons for this action are as follows, between 29 Sep 01, and 15 Nov 01, you wrongfully used marijuana, as evidenced by Court Martial, (Tab A).
3. Copies of the document(s) referenced above have been attached and will be forwarded to the separation authority in support of this recommendation. 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.
4. You have the right to consult military counsel. Military legal counsel, Capt: [redacted], Area Defense Counsel (ADC) for Barksdale AFB, Extension 6-8355, Building 4714 (gym annex building), third floor, has been obtained to assist you. An appointment has been scheduled for you to consult with the ADC on 4 Jun 02 at 0900 hrs. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your behalf. Any statements you want the separation authority to consider must reach me within three (3) duty days, unless you request and receive an extension for good cause. I will send any statements that you provide to the separation authority.
6. If you fail to consult counsel or fail to submit statements in your behalf, you will waive the right to do so.
7. You have been scheduled for a medical examination. You must report to Flight Medicine with your medical records for the appointment. Your appointment is on 3 Jun 02 at 0800 hrs.
8. You have been scheduled for a Pre-separation Counseling briefing. You must report to the Family Support Center, Bldg 4713, at 0830 on 6 Jun 02 for the briefing.

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8. You have been scheduled for a Pre-separation Counseling briefing. You must report to the Family Support Center, Bldg 4713, at \_\_\_\_\_ on \_\_\_\_\_ for the briefing.

9. Any personal information that you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, the AFI governing this case, is available for your use in your unit Orderly Room.

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



Commander, 11 BS

Attachments:

1. Acknowledgment/Receipt of Notification of Memorandum
2. Supporting Document (Tab A-E)