

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW	
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES				No
				X

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A92.35 A94.05	INDEX NUMBER A66.00	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 13 Mar 2007	CASE NUMBER FD-2006-00226	
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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: 3/21/2007
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-2006-00226

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:

Applicant contends discharge was inequitable because it was too harsh and based on one isolated incident. The records indicated the applicant received an Article 15 for misconduct. The Article 15 was for wrongful use of marijuana. He was punished with a reduction in grade to Airman and 30 days of extra duty. The Board concluded the applicant's 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 AMN) (HGH SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Whiteman AFB, MO on 16 May 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 26 Oct 78. Enlmt Age: 18 2/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-44, E-47, G-53, M-32. PAFSC: 2A752 - Nondestructive Inspection Journeyman. DAS: 10 Jul 00.

b. Prior Sv: (1) AFRes 13 Jan 97 - 16 Dec 97 (11 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Dec 97 for 4 yrs. Extension of Enlistment as a result of 9/11 STOP LOSS. Svd: 04 Yrs 05 Mo 00 Das, all AMS.

b. Grade Status: Amn - 29 Apr 02 (Article 15, 29 Apr 02)
SrA - 17 Dec 00
A1C - 17 Apr 99
Amn - 17 Jun 98

c. Time Lost: None.

d. Art 15's: (1) 29 Apr 02, Whiteman AFB, MO - Article 112a. You, did, between on or about 14 Feb 02 to on or about 29 Mar 02, wrongfully use marijuana. Reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 17 Dec 97 - 16 Aug 99 RAF Lakenheath 4 (Initial)
17 Aug 99 - 02 May 00 RAF Lakenheath 5 (CRO)
03 May 00 - 02 May 01 Whiteman AFB 5 (Annual)

h. Awards & Decs: AFTR, AFLSAR, AFOUA W/2 DEVS, AFGCM, NDSM.

i. Stmt of Sv: TMS: (05) Yrs (04) Mos (04) Das
TAMS: (04) Yrs (05) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Jun 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Medical History Report.

17JUL06/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

- a. DOCUMENT 1:
Post-Service conduct
- b. DOCUMENT 2:
medical Reports
- c. DOCUMENT 3:
educational achievements

8. ISSUES
The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

My discharge was iniquitable because it was based on one isolated incident in 53 months of service with no other adverse action. I was supposed to be discharged in Dec. of 2001 but was on stop loss due to Sept. 11. While on stop loss I worked in the Security Squadron at Whiteman AFB, where I made a huge mistake. I smoked some weed after work. Never before or during work. I got caught and was discharged. Not a day goes past where I don't regret my actions. I'm truly sorry. Please accept my apology and upgrade my discharge to Honorable. Thank you.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION
I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)
2006 06 10

b. SIGNATURE
[Signature area]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200	Naval Council of Personnel Boards Bldg. 36 - Washington Navy Yard 901 M Street, S.E. Washington, DC 20374-5023	SAF/MIBR 650-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (WPM-60) U.S. Coast Guard Headquarters Washington, DC 20593-0001



Post Service Conduct

After my discharge in May of 2002, I went to work for Kansas City coring and cutting where I passed a drug test in June of 2002, and worked in the local laborer union. I worked in the local 264 laborers' international union of North America. The phone # at K.C. coring and cutting is: [REDACTED]. Unfortunately on Aug. 17, 2002 I totaled my S-10 and was left paralyzed from the waist down. I was in the hospital for 3 months and now permanently in a wheelchair. I moved to St. Louis in Jan. of 2003 where I did physical therapy for 3 years getting back whatever I could. In May of 2006 I moved home to Ohio where I purchased a vehicle, looking for a job, and just getting back into everyday life activities. The last few years of my life have been extremely difficult. I have enclosed a summary of my injury from my doctor in St. Louis.



DEPARTMENT OF THE AIR FORCE
509th MAINTENANCE SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

FD2006-00228

MAY 9 2002

MEMORANDUM FOR Amn Matthew J. Leatherman, 280-86-1686

FROM: 509 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United State Air Force for drug abuse. The authorities for this action are AFD 36-32 and AFI 36-3208, paragraph 5.54 . If my recommendation is approved your service may be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. Between 14 February 2002 to on or about 29 March 2002, you wrongfully used marijuana. For this incident you received an Article 15 dated 3 May 2002. (attch 1a)

3. Copies of the documents to be forwarded to the separation authority in support of his recommendation are attached. The commander exercising Special Court-Martial convening authority 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 Captain Bengs in Bldg 509 on _____ at _____. You may also 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 0900 / 13 MAY 02 unless you request and receive an extension for good cause shown. I will forward your 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 rights to do so.

7. You have been scheduled for a medical examination. You must report to Physical Exams at 0820 on 10 MAY 02 for the examination.

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's Orderly Room.

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


DAWN D. WERNER, Major, USAF
Commander

Attachments:

1. Supporting documents --for the reason for discharge

a. Article 15, dated 3 May 02.

2. Documents containing derogatory information --which are not listed in the notification memorandum: None.

3. Airman's receipt of notification memorandum, dated MAY 9 2002.