

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN COUNSEL YES No <input checked="" type="checkbox"/> <input type="checkbox"/>	PERSONAL APPEARANCE NAME OF COUNSEL AND OR ORGANIZATION	X	RECORD REVIEW ADDRESS AND OR ORGANIZATION OF COUNSEL
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MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
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ISSUES A93.01 A92.00	INDEX NUMBER A66.00	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 5px; text-align: center;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HE</td> </tr> </tbody> </table>	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
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HEARING DATE 30 Jan 2007	CASE NUMBER FD-2006-00266	
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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 TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 2/7/2007 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00266

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.

ISSUES: Applicant received a General discharge for Misconduct--Drug Abuse.

Issue 1: Applicant contends discharge was inequitable because it did not take into account the good things he did while in the service. The records indicate the applicant received an Article 15 for wrongful use of marijuana. He was reduced in grade to Airman Basic and performed thirty days of extra duty. The Board took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. 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. Applicant cites he made a bad decision that caused his discharge; he has learned from his mistake and attempting to improve his life, but having difficulty finding employment and obtaining acceptance in some colleges. The Board was sympathetic to the impact of the discharge on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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 USAF Shaw AFB, SC on 16 Sep 03 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 Apr 83. Enlmt Age: 19 5/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-69, E-62, G-42, M-52. PAFSC: 2F031 - Fuels Apprentice. DAS: 12 Apr 03.

b. Prior Sv: (1) AFRes 3 Oct 02 - 17 Dec 02 (2 months 15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Dec 02 for 6 yrs. Svd: 00 Yrs 08 Mo 29 Das, all AMS.

b. Grade Status: AB - 18 Aug 03 (Article 15, 18 Aug 03)
A1C - 31 Jan 03

c. Time Lost: None.

d. Art 15's: (1) 18 Aug 03, Shaw AFB, SC - Article 112a. You did, within the continental United States, between on or about 7 Jun 03 and on or about 7 Jul 03, wrongfully use marijuana. Reduction to AB. Suspended forfeiture of \$500.00 pay per month for 2 months. Thirty days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (00) Yrs (11) Mos (14) Das
TAMS: (00) Yrs (08) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 Jul 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Response to Article 15 Proceeding.
3. Three Character References.
4. Recognition for Outstanding Dress and Appearance.
5. Certificate of Appreciation.

15AUG06/ia

To Whom It May Concern:

When I was discharged from the Air Force, it was not because I was a bad troop. It wasn't because I had a bad attitude. Nor was it because of bad conduct. I would've considered myself an excellent troop. I graduated as element leader of my flight from boot camp and as class leader from technical school. I was recognized on two occasions during the First Term Airman's Course on base. I have included copies of these two documents with this letter. Also included is a certificate of appreciation from Cherryville Elementary where I participated in a program to aid students during PACT Testing. I have also decided to send copies of my response to the Article 15 proceedings as well as my supervisors character reference letter. We all make bad decisions throughout our lives. One of mine happened to cause me to be discharged. But I have since learned from this mistake and am attempting desperately to improve my life. Doing so has been rather difficult due to having a General (under honorable) Discharge. This has hindered me from being able to obtain better employment as well as acceptance to some colleges. Though I realize that these are but consequences of my actions, I hope to rise above my past. I also hope that you'll consider my request and take my statements seriously. Doing so would assist me greatly. I trust that you'll make the appropriate decision. Thank you for taking the time to read this letter.

Sincerely,

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DEPARTMENT OF THE AIR FORCE
20th FIGHTER WING (ACC)
SHAW AIR FORCE BASE SOUTH CAROLINA

FD2006-00266

25 Aug 03

MEMORANDUM FOR AB :....., 20 LRS

FROM: 20 LRS/CC

SUBJECT: Notification Memorandum

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, paragraph 5.54. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reason for this action is that between on or about 7 Jun 03 and 7 Jul 03, you wrongfully used marijuana. For this misconduct, you received an Article 15 on 18 Aug 03.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. 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 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 Shaw Area Defense Counsel at 321 Cullin Street, Suite 300 on 26 Aug 03 at 1800 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statement in your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays unless you request and receive an extension for good cause shown. I will send them 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 Shaw AFB medical facility at 0840 hours on 21 Aug 03 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 the orderly room.

.....

Commander

Attachments:

1. AF Form 3070, 18 Aug 03 (Tab 4)
2. ROI, 29 Jul 03 (Tab 4)
3. Airman's receipt of notification memorandum (Tab 5)