

**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 <b>A1C</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	<b>X</b>	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					<b>X**</b>
					<b>X**</b>
					<b>X**</b>
					<b>X**</b>

ISSUES <b>A92.35</b> <b>A94.05</b>	INDEX NUMBER <b>A66.00</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>06 Feb 2007</b>	CASE NUMBER <b>FD-2006-00290</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

<b>INDORSEMENT</b>		<b>DATE: 2/8/2007</b>
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-2006-00290**

**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 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:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh and based on one isolated incident in 47 months of service. The records indicated the applicant received an Article 15 for wrongful use of Percocet, a Schedule II controlled substance. 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 applicant stated he was told his discharge would automatically be upgraded in six months. While a discharge may be upgraded after six months, the upgrade is by no means automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal.

**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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Los Angeles AFB, CA on 22 Dec 05 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 18 Jan 81. Enlmt Age: 20 6/12. Disch Age: 24 11/12. Educ: HS DIPL. AFQT: N/A. A-34, E-43, G-38, M-17. PAFSC: 8M000 - Postal Clerk. DAS: 2 Oct 04.

b. Prior Sv: (1) AFRes 31 Jul 01 - 14 Jan 02 (5 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 15 Jan 02 for 4 yrs. Svd: 03 Yrs 11 Mo 08 Das, all AMS.

b. Grade Status: A1C - 09 Nov 05 (Article 15, 09 Nov 05)  
SrA - 15 Jan 05  
A1C - 15 Nov 02

c. Time Lost: None.

d. Art 15's: (1) 9 Nov 05, Osan AB, Korea - Article 112a. You did, on or about 25 Nov 04, wrongfully use Percocet, a schedule II controlled substance. Reduction to A1C, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 15 Jan 02 - 16 Oct 03 Tyndall AFB 4 (Initial)  
17 Oct 03 - 12 Jun 04 Tyndall AFB 5 (CRO)  
13 Jun 04 - 12 Jun 05 Osan AB 5 (Annual)

h. Awards & Decs: NDSM, KDSM, GWOTEM, GWOTSM, AFOSSTR, AFGCM.

i. Stmt of Sv: TMS: (04) Yrs (04) Mos (21) Das  
TAMS: (03) Yrs (11) Mos (08) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02 Aug 06.

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

Issue 1: My discharge was inequitable because it was based on one isolated incident in 47 months of service, which was one month before my separation (sic) date, with no other adverse action.

Issue 2: The reason why I'm sending this form 8 months after discharge date is because nobody informed me about this form. I was told that it automatically changes to honorable discharge after 6 months. I'm trying to get a job at the local post office and thinking about rejoining (sic) the US armed force if possible so please help me upgrade my discharge as soon as possible. Thank you.

**ATCH**

1. DD Forms 214 (Member 4&1).

28AUG06/ia



DEPARTMENT OF THE AIR FORCE  
51ST COMMUNICATIONS SQUADRON (PACAF)  
UNIT 2078  
APO AP 96278-2078

FD 2006-00290

9 DEC 05

MEMORANDUM FOR A1C:.....} 51 CS

FROM: 51 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force based upon Drug Abuse. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, paragraph 5.54. If my recommendation is approved, then your service will be characterized as Honorable or Under Honorable Conditions (General). I am recommending that you receive an Under Honorable Conditions (General) discharge.

2. My reasons for this discharge action are as follows:

You did, at or near Osan Air Base, ROK, on or about 25 Nov 04, wrongfully use Percocet a schedule II controlled substance. In addition, you did not possess a valid prescription for Percocet. For this misconduct, you received an Article 15, dated 9 Nov 05, and an Unfavorable Information File (UIF). (Atch 1a)

3. Copies of the document 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. Any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel is available to assist you. You have been scheduled an appointment at the Office of the Area Defense Counsel at Bldg 745 on 12 DEC at 0900 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements that you want the separation authority to consider must reach me by 0700 hours on 14 DEC 05 (three duty days) unless you request and receive an extension for good cause. I will forward any such statements to the separation authority.

6. If you fail to consult or submit statements in your own behalf, then 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 hospital at 0715 hours on 12 DEC 05.

8. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available at the Orderly Room.

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



Commander

**Attachments:**

1. Supporting documents
  - a. Article 15 w/atchs, dated 9 Nov 05 (7 pgs)
2. Airman's Acknowledgment
3. Discharge under AFI 36-3208 Memorandum
4. Personnel Information