

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	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 A92.01 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 22 Mar 2007	CASE NUMBER FD-2006-00416
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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.

INDORSEMENT	DATE: 4/13/2007
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, EF WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00416

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:

Issue 1. Applicant states that his discharge did not take into account the good things he did while in the service. The record indicates that the applicant received an Article 15 for wrongful use of marijuana and introducing 9.5 grams of marijuana onto an installation used by and under the control of the armed forces. The applicant received a reduction to Airman Basic and forfeiture of \$636.00 for two months. The applicant appealed and received a forfeiture of pay of \$636.00. The Board took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. However, the Board found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 2: The applicant states he has not been able to obtain meaningful employment and without the upgrade he will be condemned to medial employment. He would like a second chance at life. The Board was sympathetic to the impact the discharge characterization was having on the applicant, but this was 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 Barksdale AFB, LA on 14 Feb 06 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 28 Jul 82. Enlmt Age: 21 2/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-55, E-46, G-30, M-26. PAFSC: 2W131K - Aircraft Armament Systems Apprentice. DAS: 5 Aug 04.

b. Prior Sv: (1) AFRes 2 Oct 03 - 5 Jan 04 (3 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Jan 04 for 6 yrs. Svd: 02 Yrs 01 Mo 09 Das, all AMS.

b. Grade Status: AB - 17 Jan 06 (Article 15, 17 Jan 06)
A1C - 20 Feb 04

c. Time Lost: None.

d. Art 15's: (1) 17 Jan 06, Barksdale AFB, LA - Article 112a. You, did, at or near Bossier City, LA, on or about 5 Nov 05, wrongfully use marijuana. Article 112a. You, did, on or about 5 Nov 05, wrongfully introduce 9.5 grams of marijuana onto an installation used by the armed forces or under the control of the armed forces, to wit: Barksdale AFB. Reduction to A1C. Forfeiture of \$636.00 pay. (Appeal/Granted) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 6 Jan 04 - 6 Sep 05 Barksdale AFB 5 (Initial)

h. Awards & Decs: AFTR, NDSM, GWOTSM.

i. Stmt of Sv: TMS: (02) Yrs (04) Mos (13) Das
TAMS: (02) Yrs (01) Mos (09) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Oct 06.
(Change Discharge to Honorable)

14. CONTINUATION OF ITEM 6, ISSUES *(If applicable)*

to the United States Government for my indiscretion that lead to my untimely discharge, if it were possible to repair this indiscretion I would do it unconditionally. I feel without my discharge being upgraded I will be condemned to medial employment at best for many years to come. I am a young potentially productive citizen and I am asking the United States Air Force to upgrade my discharge thus affording me a second chance at life.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS *(If applicable)*

16. REMARKS *(If applicable)*

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

Army Review Boards Agency
 Support Division, St. Louis
 9700 Page Avenue
 St. Louis, MO 63132-5200
 (See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
 720 Kennon Street, S.E.
 Room 309 (NDRB)
 Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
 SAF/MRBR
 550-C Street West, Suite 40
 Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
 Commandant (G-WPM)
 2100 Second Street, S.W. Room 5500
 Washington, DC 20593



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

FD 2006-00416

JAN 30 2006

MEMORANDUM FOR AB: [REDACTED] 2 MUNS

FROM: 2 MUNS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for drug abuse and misconduct: commission of a serious offense. The authority for this action is AFDP 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraphs 5.54 and 5.52. The primary basis for discharge is drug abuse under paragraph 5.54. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reason for this action is as follows:

a. You, did, at or near Bossier City, Louisiana, on or about 5 Nov 05, wrongfully use marijuana.

b. You, did, at or near Barksdale Air Force Base, Louisiana, on or about 5 Nov 05, wrongfully introduce 9.5 grams of marijuana onto an installation used by the armed forces or under the control of the armed forces, to wit: Barksdale Air Force Base.

c. As a result of the misconduct cited in paragraphs 2(a) and 2(b), you received nonjudicial punishment dated 17 Jan 06.

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 Capt [REDACTED] Area Defense Counsel, at Building 4714, Third Floor, Barksdale AFB, DSN 781-8355 on 30 January 2006 at 1000 hours. 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 2 February 2006 unless you

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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 rights to do so.

7. You have been scheduled for a medical examination. You must report to the 2d Medical Group, Barksdale AFB at _____ hours on _____ 2006 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 unit orderly room.

[Redacted Signature Box]

Commander

Attachments:

1. Receipt of Notification Memorandum
2. Record of Nonjudicial Punishment Proceedings, AF Form 3070, dated 17 Jan 06, 4 pages of related documents