

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		<b>GRADE</b>  <b>SRA</b>		<b>AFSN/SSAN</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>																															
<b>TYPE</b>	<b>GEN</b>	<b>PERSONAL APPEARANCE</b>		<b>X</b>	<b>RECORD REVIEW</b>																														
<b>COUNSEL</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"><b>X</b></td> </tr> </table>		YES	No		<b>X</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>  		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>  																											
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<b>HEARING DATE</b> <b>15 Mar 2007</b>		<b>CASE NUMBER</b> <b>FD-2006-00446</b>																																	
<small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</small>																																			
<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>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			<b>DATE: 3/16/2007</b>  <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																																

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2006-00446**

**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 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:** The applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for misconduct. The misconduct included wrongfully possessing a Schedule II controlled substance, Percocet. 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.

**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 SRA) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Lackland AFB, TX on 13 Feb 04 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 13 Oct 77. Enlmt Age: 17 3/12. Disch Age: 26 4/12. Educ: HS DIPL. AFQT: N/A. A-79, E-70, G-59, M-49. PAFSC: 3E751 - Fire Protection Journeyman. DAS: 31 Jul 02.

b. Prior Sv: (1) AFRes 3 Feb 95 - 18 Feb 95 (16 days) (Inactive).

(2) Enlisted as AB 19 Feb 95 for 6 years. Extended 8 May 98 for 11 months. Svd: 6 yrs 7 mos 16 das, all AMS. A1C - Unknown. SrA - 2 Jan 98. SSgt - Unknown. EPRs: 5,4,4,4,5.

**ART 15:** 20 Oct 97, Cannon AFB, NM - Article 92. You, who knew of your duties, on or about 10 Oct 97, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverage while under legal drinking age of 21, as it was your duty to do. Forfeiture of \$75.00 pay and 15 days extra duty.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSgt 5 Oct 01 for 6 years. Svd: 02 Yrs 04 Mo 09 Das, all AMS.

b. Grade Status: SrA - 16 Jul 03 (Article 15, 16 Jul 03)

c. Time Lost: None.

d. Art 15's: (1) 16 Jul 03, Soto Cano AB, Honduras, Article 112a. You, did, on or about 1 Nov 02 to on or about 31 Dec 02, wrongfully possess a Schedule II controlled substance, to wit: Percocet. Reduction to SrA. Suspended forfeiture of \$200.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 19 Mar 01 - 18 Mar 02 Yokota AB 5 (Annual)  
19 Mar 02 - 18 Mar 03 Soto Cano AB 2 (Annual) **REF**

h. Awards & Decs: AFAM W/1 OLC, NDSM W/1 BS, AFEM, AFOSSTR, AFLSA W/1 OLC, NCOPMER, AFTR.

i. Stmt of Sv: TMS: (09) Yrs (00) Mos (11) Das  
TAMS: (08) Yrs (11) Mos (25) Das

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

Issue 1: My discharge was inequitable because it was based on two incidents in 103 months service. I understand the consequence of my actions and fully appreciate that I was not given a more severe punishment. I simply wish to upgrade my discharge for future employment opportunities and to put these unfortunate events behind me. Thank you for your time.

**ATCH**

1. Performance Appraisal.
2. AIU Transcript.
3. Performance Appraisal.

14DEC06/day



DEPARTMENT OF THE AIR FORCE  
 612<sup>th</sup> AIR BASE SQUADRON (ACC)  
 AIR FORCE FORCES JOINT TASK FORCE-BRAVO  
 SOTO CANO AIR BASE, REPUBLIC OF HONDURAS  
 APO AA 34042

DEC 22 2003

MEMORANDUM FOR SRA: [REDACTED] 612 ABS

FROM: 612 ABS/CC

SUBJECT: Notification Memorandum – Board Hearing

1. I am recommending your discharge from the United States Air Force for misconduct, specifically drug abuse. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.54. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action is that you did, at or near Soto Cano Air Base, Honduras, on or about 1 Nov 2002 to on or about 31 Dec 2002, wrongfully possess a Schedule II controlled substance, to wit: Percocet. As a result, you received an Article 15, UCMJ, on 16 Jul 03 (Tab 1).

3. This action could result in your separation with an under other than honorable conditions (UOTHC) discharge. I am recommending you receive an under honorable conditions (general) discharge. The commander exercising SPCM jurisdiction authority or higher will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and may be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have the right to consult counsel. Military legal counsel, Capt [REDACTED] AFLSA/ADC, 228-5664, has been obtained to assist you. An appointment has been scheduled for you to consult her on 0900 at 29 DEC 03 hours in Bldg 3510. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay

expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

6. Confer with your counsel and reply, in writing, by 30 DEC 03, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also may submit written statements in your behalf. I will send the statements to the discharge authority with the case file to be considered with recommendation. If you fail to respond, your failure will constitute a waiver of the right to a board hearing.
7. You have been scheduled for a medical examination. You must report to the Physical Exams Office of the Aeromedical Facility, Bldg 420, at \_\_\_\_\_, on \_\_\_\_\_, for the examination.
8. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, Bldg 3200, Rm 20, at \_\_\_\_\_ on \_\_\_\_\_ for the briefing. If you have questions, please call 228-5326.
9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. You may contact the Area Defense Counsel or your unit commander's support staff to obtain a copy of AFI 36-3208.
10. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.
11. Execute the attached acknowledgment and return it to me immediately.

\_\_\_\_\_  
Commander

Attachments:

1. Supporting Documents: AF Form 3070, Record of Nonjudicial Punishment Proceedings 16 Jul 03 and Supporting Evidence
2. Airman's Receipt of Notification Memorandum