

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE		AFSN/SSAN															
					AB																	
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	UOTHC	OTHER	DENY													
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ISSUES		INDEX NUMBER			EXHIBITS SUBMITTED TO THE BOARD																	
A92.21 A93.01		A66.00			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>				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		CASE NUMBER																				
25 Jul 2007		FD-2006-00464																				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE																						
<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>																						
INDORSEMENT					DATE: 7/30/2007																	
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-2006-00464
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant requested a personal appearance before the Discharge Review Board (DRB) and was scheduled for an appearance on 11 June 2007, via video-teleconference between Robins AFB, GA and Andrews AFB, MD, but he did not keep the appointment or call to reschedule. Therefore, his request was reviewed based upon the record and his submission.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>ISSUE:</p> <p>Issue 1. Although not explicitly stated, applicant contends that he should not be penalized indefinitely for a mistake he made when young. The records indicated the applicant had a Special Court Martial for wrongfully using Ecstasy, a Schedule I controlled substance. He was punished with confinement for five months, forfeiture of pay for five months, and reduction to Airman Basic. 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.</p> <p>Issue 2. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Barksdale AFB, LA on 27 Jun 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 31 Dec 76. Enlmt Age: 20 8/12. Disch Age: 25 5/12. Educ: HS DIPL. AFQT: N/A. A-27, E-49, G-53, M-67. PAFSC: 2F051 - Fuels Journeyman. DAS: 10 Jul 98.

b. Prior Sv: (1) AFRes 25 Sep 97 - 28 Dec 97 (3 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Dec 97 for 4 years. Svd: 04 Yrs 05 Mo 29 Das, of which AMS is 04 Yrs 03 Mo 17 Das (excludes 2 Months 12 Days lost time).

b. Grade Status: AB - 07 Jun 02 (SPCM 9 Apr 02)
SrA - 29 Jun 00
A1C - 29 Apr 99
Amn - 29 Jun 98

c. Time Lost: 13 Mar 02 - 24 May 02 (72 days)

d. Art 15's: None.

e. Additional: NONE.

f. CM: Special Court Martial - 9 Apr 2002.

CHARGE: Article 112a.

Specification: In that SrA [REDACTED], USAF, 2d Supply Sq, Barksdale AFB, LA, did, at or near Barksdale AFB, LA, on one occasion, on or about 29 June 01, wrongfully use methylenedioxymethamphetamine (MDMA, Ecstasy), a Schedule I controlled substance. Plea: Guilty. Finding: Guilty. Sentence adjudged on 13 Mar 02: Confinement for 5 months, forfeiture of \$600.00 pay per month for five months and reduction to airman basic. **ACTION:** Confinement for 90 days, forfeiture of \$300.00 per month for 3 months and reduction to airman basic is approved and will be executed.

g. Record of SV: 29 Dec 97 - 28 Aug 99 Barksdale AFB 5 (Initial)
28 Aug 99 - 28 Aug 00 Barksdale AFB 5 (Annual)
29 Aug 00 - 29 Aug 01 Barksdale AFB 5 (Annual)

h. Awards & Decs: AFAM W/1 OLC, AFOUA W/1 OLC, AFGCM, NDSM, AFEM, AFLSA,
AFTR.

i. Stmt of Sv: TMS: (04) Yrs (06) Mos (21) Das
TAMS: (04) Yrs (03) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Nov 06.
(Change Discharge to Honorable.)

Issue 1: ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Letter of recommendation.
3. DD Form 214.

19DEC06/day

STATEMENT IN SUPPORT OF CLAIM

PRIVACY ACT INFORMATION: The law authorizes us to request the information we are asking you to provide on this form (38 U.S.C. 5701). They may be disclosed outside the Department of Veterans Affairs (VA) only if the disclosure is authorized under the Privacy Act, including the routine uses identified in the VA system of records, 58VA21/22, Compensation, Pension, Education and Rehabilitation Records - VA, published in the Federal Register. The requested information is considered relevant and necessary to determine maximum benefit under the law. Information submitted is subject to verification through computer matching programs with other agencies.

RESPONDENT BURDEN: VA may not conduct or sponsor, and respondent is not required to respond to this collection of information unless it displays a valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have comments regarding this burden estimate or any other aspect of this collection of information, call 1-800-827-1000 for mailing information on where to send your comments.

FIRST NAME - MIDDLE NAME - LAST NAME OF VETERAN (Type or print)
SOCIAL SECURITY NO.
VA FILE NO.
C/CS#

The following statement is made in connection with a claim for benefits in the case of the above-named veteran:

My name is [redacted]. I received a General (Under Honorable

Conditions) discharge from the Air Force. I seek to respectfully

ask to have the discharge changed to Honorable. I want to go to

school under the G.I. Bill and do not qualify because of my discharge.

I served four years 3 months and 17 days. I was asked if I wanted

to re-enlist toward the end of my enlistment. I served from December

29, 1997 to June 27, 2002.

I have always been ashamed of the discharge I received. I am much

older and wiser now. I will be 30 in December this year. I am

married and have three (3) children Ages 8, 5 and 3.

I am working at a bearing factory. I want to go to school that

starts in March to further my education to qualify for a better

job and provide more for my family. I am truly sorry for the

misconduct I was involved in while intoxication on base with others.

I CERTIFY THAT the statements made herein are true and correct to the best of my knowledge and belief.

SIGNATURE

DATE SIGNED

November 29, 2006

TELEPHONE NUMBERS (Include Area Code)

DAYTIME

EVENING

ADDRESS

21-4138


EXISTING STOCKS OF VA FORM 21-4138, APR 1994, WILL BE USED

U.S.GPO: 2003 521-791/99667

A FORM
JUN 2000

9. Any personal information that you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, the AFI governing this case, is available for your use in your unit Orderly Room.

10. Execute the attached acknowledgement and return it to me immediately.



Commander, 2 SUPS

Attachment:

1. Acknowledgment/Receipt of Notification of Memorandum
2. Supporting Document (Tab A)