

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 AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>																
TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW															
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL																	
MEMBER SITTING <div style="border: 1px dashed black; height: 150px; width: 100%;"></div>		VOTE OF THE BOARD																	
		HON	GEN	UOTHC	OTHER	DENY													
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ISSUES A94.53		INDEX NUMBER A66.00		EXHIBITS SUBMITTED TO THE BOARD <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td>2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td>3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td>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 25 Apr 2007		CASE NUMBER FD-2006-00474																	
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			DATE: 5/7/2007																
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-2006-00474

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received an Article 15 for misconduct. The Article 15 was for wrongful use of marijuana. He was punished with a reduction in grade to Airman and a suspended forfeiture of pay. 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.

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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Beale AFB, CA on 23 May 06 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 May 85. Enlmt Age: 17 6/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-49, E-52, G-47, M-45. PAFSC: 3P031 - Security Forces Apprentice. DAS: 4 Dec 03.

b. Prior Sv: (1) AFRes 3 Dec 02 - 28 Jul 03 (7 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Jul 03 for 6 yrs. Svd: 02 Yrs 09 Mo 25 Das, all AMS.

b. Grade Status: Amn - 5 May 06 (Article 15, 5 May 06)
SrA - 12 Jan 06
AlC - 15 Aug 03

c. Time Lost: None.

d. Art 15's: (1) 5 May 06, Beale AFB, CA - Article 112a. You did, between on or about 18 Feb 06 to on or about 20 Mar 06, wrongfully use marijuana. Reduction to Airman. Suspended forfeiture of \$713.00 pay. Reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 29 Jul 03 - 29 Mar 05 Beale AFB 3 (Initial)

h. Awards & Decs: AFOUA W/1 DEV, AFTR, GWOTSR, GWOTEM W/GB, AFEM, NDSM.

i. Stmt of Sv: TMS: (03) Yrs (05) Mos (20) Das
TAMS: (02) Yrs (09) Mos (25) Das

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

To recieve (sic) educational benefits.

FD2006-00474

ATCH
None.

08FEB07/ia



DEPARTMENT OF THE AIR FORCE
9TH SECURITY FORCES SQUADRON
BEALE AFB, CALIFORNIA 95678

PD2006-00474

17 MAY 2006

MEMORANDUM FOR AMN: [REDACTED]

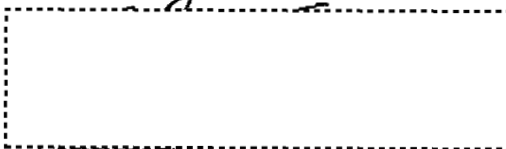
FROM: 9 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Drug Abuse. The authority for this action is AFDP 36-32 and AFI 36-3208, Paragraph 5.54. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.
2. My reason for this action is between 18 Feb 2006 and 20 Mar 2006, you wrongfully used marijuana. For this misconduct you received a Record of Nonjudicial punishment dated 5 May 2006. For this misconduct you were punished with a reduction to the grade of airman, suspended forfeiture of \$713.00 pay, and a reprimand. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the United States 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).
3. 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 Captain: [REDACTED] on 18 May, at 1000 hours. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 23 May 06 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have been scheduled for a medical examination. You must report to Beale AFB Family Practice Clinic on 18 May 2006, at 1500 hours for the examination.
7. 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 at the commander's support staff.

FD 2006-00474

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


Commander

Attachments:

1. Article 15 dtd 5 May 06 with evidence
2. Receipt of Notification Memorandum