

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE AMN		AFSN/SSAN	
TYPE GEN		PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
X							
MEMBER SITTING				VOTE OF THE BOARD			
				HON	GEN	UOTHC	OTHER
							X
							X
							X
							X
							X
ISSUES A92.03 A94.05 A92.00		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 24 Apr 2007		CASE NUMBER FD-2006-00475					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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: 4/24/2007			
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-2006-00475
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</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. Applicant contends discharge was inequitable because it was too harsh and based on one isolated incident after serving 36 months in the Air Force. The records indicated the applicant received an Article 15, for misconduct. The Article 15 was administered for wrongful use of marijuana. He was punished with a reduction in grade to Airman, 45 days of extra duty and a reprimand. 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. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance report, awards and other accomplishments. They 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.</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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Whiteman AFB, MO, on 11 Dec 98 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 18 Sep 77. Enlmt Age: 18 0/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-79, E-73, G-84, M-77. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 5 Dec 97.

b. Prior Sv: (1) AFRes 18 Sep 95 - 30 Jan 96 (4 months 13 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 31 Jan 96 for 4 years. Svd: 02 Yrs 10 Mo 11 Das, all AMS.

b. Grade Status: Amn - 18 Nov 98 (Article 15, 18 Nov 98)
A1C - 31 May 97
Amn - 31 Jul 96

c. Time Lost: None.

d. Art 15's: (1) 18 Nov 98, Spangdahlem AB, GE - Article 112a. You did, within the territorial limits of Germany, between on or about 1 May 98, and on or about 31 May 98, wrongfully use Marijuana. Reduction to Amn, 45 days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 31 Jan 96 - 29 Sep 97 Davis-Monthan AFB 4 (Initial)

h. Awards & Decs: AFTR, AFOUA, AFOSLTR.

i. Stmt of Sv: TMS: (03) Yrs (02) Mos (24) Das
TAMS: (02) Yrs (10) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Dec 06.
(Change Discharge to Honorable.)

Issue 1: My discharge is inequitable because it was based on one isolated incident in 36 months of otherwise honorable service. The incident came to light eight months after the fact, due to an unrelated investigation involving a fellow airman. When questioned by authoritys (sic) if I had on the date of March 1998 at an off base residence smoked a marijuana cigarette? I did the honorable thing and volunteered the truth of, taking a drag off, what I was told to be a marijuana cigarette. I submitted to a urinalysis which came back negative for controlled substances. (It is my belief that at the time the United States Air Force was down sizing so it was quick to issue a general discharge.) During my time in serice: I was involved with the on base mentor program. I was the recipient of the "Maintenance Professional of the Quarter" for the 22nd fighter Squadrent (sic). Recipient of "Room of the Quarter" for the best kept dorm room. I was a member of "Load crew of the month" four times. I was a member of the "Out standing Unit Award".

ATCH

None.

8FEB07/day



DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCES IN EUROPE

NOV 23 1998

MEMORANDUM FOR AMN: [REDACTED]
23d Fighter Squadron

FROM: 23 FS/CCQ

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for Drug Abuse. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation for discharge is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending that your service be characterized as general (under honorable conditions).
2. My reason for this action is between on or about 1 May 98 and on or about 31 May 98, you wrongfully used marijuana. For this action, you received Article 15 Nonjudicial Punishment on 18 Nov 98. (Atch 1) You were reduced to the grade of E-2 (Airman) and received 45 days extra duty.
3. A copy of the document to be forwarded to the separation authority in support of this discharge and recommendation is attached. The commander exercising SPCM 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 re-enlistment 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] Spangdahlem AB, Germany, DSN 452-6607, on 24 Nov 98 at 0915 hours. You may consult civilian counsel at your own expense. 25 Nov 98 1015
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me **within three duty days**, unless you request and receive an extension in writing for good cause shown. I will send them to the separation authority.
6. If you fail to consult counsel or to submit statements on your own behalf within the time period prescribed, it will constitute a waiver of your right to do so.
7. You have been scheduled for a medical examination. You must report to the 52d Medical Group, Physical Exams Element on 25 Nov 98 at 0715 hours. An appointment has also been made at Physical Exams on 25 Nov 98 at TBA hours.

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 your Commander's Support Staff office.
9. Execute the attached acknowledgment at Tab 2 and return it to me immediately.



Squadron Section Commander

Attachment:
AF Form 3070