

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 150px; height: 15px; margin-top: 5px;"></div>				GRADE  AMN		AFSN/SSAN <div style="background-color: black; width: 100px; height: 15px; margin-top: 5px;"></div>		
TYPE GEN	<b>X</b>	<b>PERSONAL APPEARANCE</b>		<b>RECORD REVIEW</b>				
COUNSEL <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <span>YES</span> <span>No</span> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span></span> <span><b>X</b></span> </div>		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
<div style="background-color: black; width: 300px; height: 150px;"></div>				<b>VOTE OF THE BOARD</b>				
				HON	GEN	UOTHC	OTHER	DENY
								<b>X</b>
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								<b>X</b>
ISSUES <b>A92.35</b> <b>A93.07</b>		INDEX NUMBER <b>A66.00</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>				
				<b>1</b> ORDER APPOINTING THE BOARD				
				<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE				
				<b>3</b> LETTER OF NOTIFICATION				
				<b>4</b> BRIEF OF PERSONNEL FILE				
				COUNSEL'S RELEASE TO THE BOARD				
				ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE				
				TAPE RECORDING OF PERSONAL APPEARANCE HEARING				
HEARING DATE <b>18 Feb 2010</b>		CASE NUMBER <b>FD-2008-00408</b>						
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 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> <div style="display: flex; justify-content: space-between; margin-top: 50px;"> <div style="width: 40%; background-color: black; height: 80px;"></div> <div style="width: 40%; background-color: black; height: 80px;"></div> </div>								
<b>INDORSEMENT</b>				<b>DATE: 2/19/2010</b>				
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 20762-7001				

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	CASE NUMBER  <b>FD-2008-00408</b>
<p><b>GENERAL:</b> The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.</p> <p>The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 18 Feb 2010.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p><b>FINDING:</b> The Board denies the upgrade of the discharge. Change of reason and authority for discharge and change of reenlistment code are 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><b>ISSUES:</b></p> <p>Issue 1. Applicant contends his drug use was an isolated incident during his 35 months of service, with no other adverse actions. For reasons explained in the paragraph below, the DRB found no inequity or impropriety in his discharge.</p> <p>Issue 2. Applicant contends he was under a lot stress due to his wife's drug problems and taking care of his newborn son. The record indicates that the applicant was discharged for Misconduct—Drug Abuse. He received an Article 15 and a Letter of Reprimand for wrongful use of marijuana. His drug use was discovered during a random urinalysis and he then admitted to the AFOSI that he had smoked marijuana on the occasion in question and on two other occasions since entering active duty. Additionally, his enlistment paperwork showed he had used marijuana two times prior to entering the Air Force. The applicant stated that he was under a lot of stress because his wife was using drugs and engaging in bizarre behavior, such as filing false reports against him for domestic abuse. The applicant stated he was caring for their newborn son almost exclusively as his wife was unable to care for him. He stated that the stress became too much and he decided to smoke marijuana, which his wife obtained for him at his request. However, he had also stated he had sought help for his wife through ADAPT program personnel and his supervisory chain. This led the DRB to conclude that he was aware of counseling tools available to him to help him cope with the stress, but he chose not to use them. The applicant admitted that he was aware of the Air Force's zero tolerance policy regarding drugs. While the applicant appeared to have otherwise good service during his time in the Air Force, the Board could find no inequity or impropriety in his general discharge for marijuana use, the standard characterization of discharge for Airmen who use marijuana.</p> <p><b>CONCLUSION:</b> 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 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 and determines the discharge should remain unchanged.</p> <p>Attachment: Examiner's Brief</p>	