

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>				GRADE <div style="background-color: black; width: 100%; height: 15px;"></div>		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>																																				
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COUNSEL YES <input type="checkbox"/> No <input checked="" type="checkbox"/>		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL																																				
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<p style="text-align: center; font-size: small;">APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</p> <p>Case heard in Washington, D.C. via video teleconference with Randolph AFB, Texas.</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> <p>*Reason and Authority +Reenlistment Code</p>																																										
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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																																						

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE-

CASE NUMBER

FD-2009-00028

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel from the Texas Veterans Commission (Mr A), via video teleconference between Andrews AFB Maryland and Randolph AFB, Texas on 10 Aug 2010.

The following additional exhibits were submitted at the hearing:

Exhibit 5: Applicant's Contentions

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDING: The Board denies the upgrade of the discharge, change of reason and authority for discharge, and change of reenlistment code.

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:

Issue 1. Applicant contends discharge was inequitable because it was too harsh and feels he should not have been court martialed. The records indicated the applicant had a Special Court Martial for attempting wrongful possess of lysergic acid diethylamide and wrongful use of marijuana. He was punished with confinement for 3 months, reduction in grade to Airman Basic, and an Under Honorable Discharge (General). After a review of the record and the applicant's testimony, the Board found no evidence to indicate that the applicant did not know right from wrong or that in his two years of service was unaware of the Air Force policy of zero tolerance to drug use. The Board concluded that the negative aspects of the applicant's service outweighed the positive contributions he made in his Air Force career. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. The DRB was pleased to see that the applicant was doing well and is self employed with 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.

CONCLUSION: 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.

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.

Attachment:

Examiner's Brief