

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 20px;"></div>				GRADE AB		AFSN/SSAN <div style="background-color: black; width: 100%; height: 20px;"></div>					
TYPE GEN		PERSONAL APPEARANCE			X		RECORD REVIEW				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">No</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;">X</td> </tr> </table>		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	No										
	X										
MEMBER SITTING					VOTE OF THE BOARD						
<div style="background-color: black; width: 100%; height: 150px;"></div>					HON	GEN	UOTHC	OTHER	DENY		
									X		
									X		
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									X		
ISSUES A95.00 A01.00		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 HEARING						
HEARING DATE 29 Apr 2010		CASE NUMBER FD-2009-00064									
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>											
<div style="background-color: black; width: 100%; height: 80px;"></div>											
ENDORSEMENT					DATE						
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, 3RD FLOOR ANDREWS AFB, MD 20762-7001						

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2009-00064

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 and requests that the review be completed based on the available service record.

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.

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: Applicant received a General discharge for Misconduct—Drug Abuse

Issue 1. Applicant submitted no issues regarding the inequity or impropriety of his discharge and requested that the review be completed based on the available service record. The record indicates that the applicant was discharged for Misconduct—Drug Abuse. He received an Article 15 for possession and wrongful use of marijuana, as evidence by AF Form 3070, dated 20 May 1996. After review of the record, the Board found no evidence to indicate that the applicant did not know right from wrong or that in his one year of service was unaware of the Air Force policy of zero tolerance to drug use. The Board found the negative aspects of the willful misconduct outweighed the positive aspects of the applicant's performance and concluded that the discharge was appropriate.

Issue 2. Applicant cited his desire to receive the G.I. Bill benefits and be considered for better employment opportunities so that he could afford to go to college as justification for upgrade. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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 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