

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE	AFSN/SSAN [REDACTED]
--	--------------	--------------------------------

TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

VOTE OF THE BOARD				
HON	GEN	UOTHC	OTHER	DENY
				X
				X
				X
				X
				X

ISSUES A92.37 A01.47	INDEX NUMBER A67.70	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 05 Aug 2010	CASE NUMBER FD-2009-00094	
------------------------------------	-------------------------------------	--

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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.

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-2009-00094

GENERAL: The applicant appeals for upgrade of discharge to general.

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.

After a review of the record, the Board unanimously voted to grant the relief of the requested upgrade as discussed below.

FINDING: The Board denies the upgrade of the discharge.

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.

ISSUES:

Issue 1. Applicant contends his discharge was improper or inequitable because he did not receive the treatment or medical intervention he needed to address his marijuana and alcohol addictions. Applicant believes had he received this, he could have continued to be a productive member of the military service. A review of applicant's medical records disclosed an entry dated June 6, 2006, indicating that applicant was receiving ADAPT services; a subsequent entry stated applicant refused ADAPT services and was referred back to his unit. Therefore, the Board concluded that it was applicant's choice not to receive the treatment offered to him. The Board could find no inequity or impropriety for the discharge based on applicant's assertions.

Issue 2. The record indicates that the applicant was discharged for Misconduct---Drug Abuse. He received a Special Court Martial for wrongful use of marijuana. At trial there was both a Stipulation of Fact and an unsworn statement wherein applicant admitted his drug abuse. Additionally, at the time of the recommendation for discharge, applicant was entitled to an Administrative Discharge Board, but waived his right to said board. After review of the record, the Board found no evidence to indicate that the applicant was unaware of the Air Force policy of zero tolerance to drug use, or that he was improperly treated in any way. The Board found the negative aspects of applicant's admitted willful misconduct outweighed the positive aspects of the applicant's performance and concluded that the discharge was appropriate.

Issue 3. Applicant infers he should not be penalized indefinitely for a mistake he made when he was younger, and notes that he would like to serve his country again. The DRB noted the applicant was 26 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of members who properly adhere to Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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