

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

TYPE	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 A93.01	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 01 Jul 2010	CASE NUMBER FD-2009-00169			

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:	DATE: 01/2010 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-2009-00169

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 submitted no issues regarding the inequity or impropriety of his discharge. The applicant does submit that he made a mistake in smoking marijuana, but since then he has matured and wants to be able to say he served honorably in the AF. The record indicates that the applicant was discharged for Misconduct—Drug Abuse after receiving two Article 15 actions for wrongful uses of marijuana. The record shows that the applicant initially was identified as having used marijuana when his urine, collected during a unit drug sweep on 3 January 2005, tested positive for THC. The applicant denied knowingly using the drug and claimed someone had spiked his drink at a bar. On 20 January 2005, the respondent was ordered to provide a urine sample for a follow-up drug test; his urine again tested positive for THC. The applicant neither admitted nor denied a knowing use of marijuana on this second occasion. 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 more than six years of service was unaware of the Air Force policy for zero tolerance to drug use. The Board further found no inequities or improprieties in the applicant's discharge and determined the negative aspects of the willful misconduct outweighed the positive aspects of the applicant's performance. It concluded that the discharge was appropriate.

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