

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		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>	
TYPE GEN	X	PERSONAL APPEARANCE			RECORD REVIEW	
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL	
<div style="text-align: center;">X</div>						
VOTE OF THE BOARD						
			HON	GEN	UOTHC	OTHER
						X*+
						X*+
						X*+
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						X*+
ISSUES A92.35 A92.21			EXHIBIT 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 22 Mar 2012			CASE NUMBER FD-2010-00327			
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> <p>*Narrative Reason and Authority +RE Code</p>						
ENDORSEMENT						
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

CASE NUMBER

FD-2010-00327

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), without counsel, at Andrews AFB on 22 Mar 2012.

The following additional exhibits were submitted at the hearing:

Exhibit #6: Airman Maintenance Professional of the Year Award 2004

Exhibit #7: Airman Maintenance Professional of the Quarter 1 October-31 December 2004

Exhibit #8: Associate Degree in Applied Science Electronics Engineering Technology Wayne Community College

Exhibit #9: Bachelor Degree of Science Information Systems Strayer University

Exhibit #10: Current Employment Performance Appraisals

Exhibit #11: State of North Carolina Notary Public Certification

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

FINDING: The request for the upgrade of the discharge, to change the reason and authority for discharge, and to change the reenlistment code are denied.

ISSUE: Applicant received a General discharge for Misconduct – Drug Abuse

Applicant contends discharge was inequitable because it was based on an isolated incident. The records indicated the applicant received an Article 15 for wrongful use of marijuana. The applicant stated he did not “traditionally” smoke the marijuana, however admitted to being at a party where it was being smoked and he allowed the smoke from the marijuana cigarette to be blown in his face. Additionally, he stated that he knew that he should have left the party, however made a bad choice and decided to stay. After a thorough and complete consideration of the information submitted by the applicant, the applicant’s personal testimony, and the information contained in the record, the Board opined the applicant was aware 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 duty performance and concluded that the discharge was appropriate.

The Board was pleased to see the applicant was doing well, graduated college, and has 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