

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) | | | | GRADE | | AFSN/SSAN | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| TYPE GEN | | PERSONAL APPEARANCE | | X | | RECORD REVIEW | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NAME OF COUNSEL AND OR ORGANIZATION | | NAME OF COUNSEL AND OR ORGANIZATION | | ADDRESS AND OR ORGANIZATION OF COUNSEL | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| YES | | No | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>ISSUES</p> <p>A93.23</p> <p>A94.05</p> </div> <div style="width: 45%;"> <p>INDEX NUMBER</p> <p>A66.00</p> </div> </div> | | | | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5" style="text-align: center;">VOTE OF THE BOARD</th> </tr> <tr> <th style="width: 15%;">HON</th> <th style="width: 15%;">GEN</th> <th style="width: 15%;">UOTHC</th> <th style="width: 15%;">OTHER</th> <th style="width: 15%;">DENY</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> </tbody> </table> | | | | VOTE OF THE BOARD | | | | | HON | GEN | UOTHC | OTHER | DENY | | | | | X | | | | | X | | | | | X | | | | | X | | | | | X |
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| HEARING DATE | | | | CASE NUMBER | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 30 Aug 2012 | | | | FD-2010-00432 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <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.</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> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TO: | | | | FROM: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>SAF/MRBR</p> <p>550 C STREET WEST, SUITE 40</p> <p>RANDOLPH AFB, TX 78150-4742</p> | | | | <p>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL</p> <p>AIR FORCE DISCHARGE REVIEW BOARD</p> <p>1535 COMMAND DR, EE WING, 3RD FLOOR</p> <p>ANDREWS AFB, MD 20762-7001</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2010-00432

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.

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

The applicant contends discharge was inequitable because it was too harsh. He states he was depressed based on the fact he had been notified by his commander he was selected for separation from the Air Force under the Force Shaping Program. The record shows that the applicant was identified as using marijuana through a random urinalysis test. 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 three years and three months of service was unaware of the Air Force policy of zero tolerance to drug use. Additionally, the Air Force has several counseling options available to members in need of help dealing with depression. 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.

The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement, DD Form 2366, that he understood he must receive an Honorable discharge to receive future educational entitlements. 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 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