

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

MSGT

TYPE

PERSONAL APPEARANCE

X

RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES

No

X

MEMBER SITTING

VOTE OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

X**

X**

X**

X**

X**

ISSUES

A66.00

INDEX NUMBER

A01.13

A01.39

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

09 Sep 2010

CASE NUMBER

FD-2008-00347

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.

*Reason and Authority

+Reenlistment Code

INDORSEMENT

DATE: 2/4/2011

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

FD-2008-00347

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 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, change of reason and authority for discharge, and change of reenlistment code.

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.

ISSUE:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. He further contends the Administrative Discharge Board was prejudicial, his counsel was inadequate and lacked sufficient time to prepare for the board, and lastly was an Army National Guard officer and lacked the experience of the Air National Guard policy and procedures. The records indicated the applicant was discharged in accordance with AFI 36-3209, Misconduct – Drug Abuse. The Board concluded that the negative aspects of the applicant's service outweighed the positive contributions he made in his Air Force career. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's contentions and found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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

**APPLICATION FOR THE REVIEW OF DISCHARGE
FROM THE ARMED FORCES OF THE UNITED STATES**

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

OMB No. 0704-0004
OMB approval expires
Oct 31, 2009

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PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). **PLEASE PRINT OR TYPE INFORMATION.**

a. BRANCH OF SERVICE (X one)	<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
b. NAME (Last, First, Middle Initial)	[REDACTED]			c. GRADE/RANK AT DISCHARGE	d. SOCIAL SECURITY NUMBER
e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 (Forward notification of any change in address.)				f. TELEPHONE NUMBER (Include Area Code)	
[REDACTED]				g. E-MAIL	
[REDACTED]				h. FAX NUMBER (Include Area Code)	

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 20071031	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		5. BOARD ACTION REQUESTED (X one)
	<input checked="" type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE	
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS	
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)	
	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)	<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION:	
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	<input type="checkbox"/> UNCHARACTERIZED		
[REDACTED]	<input type="checkbox"/> OTHER (Explain)		

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 13. See instructions on Page 3.)
① The board was prejudiced in its findings if they believed the drug test was infallible no matter how many rules were broken or how much evidence pointed away from drug use.

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 14. If military documents or medical records are relevant to your case, please send copies.)
① record of board proceedings
② letters of reference
③ recommendation from TAGS legal advisor not to discharge
④ my appeal to TAG
⑤ sender responses
⑥ A Kozma's CV

9. TYPE OF REVIEW REQUESTED (X one)

☒ CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.

☐ I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.

☐ I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.)	b. TELEPHONE NUMBER (Include Area Code)
	c. E-MAIL
	d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 12.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

☐ SPOUSE ☐ WIDOW ☐ WIDOWER ☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ OTHER (Specify)

12. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

CASE NUMBER
(Do not write in this space.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

20080906

FD2008-00377

13. CONTINUATION OF ITEM 6, ISSUES (If applicable)

② My Army Council was inadequate because he was unaware of the differences in Army and Air Force rules. Specifically he kept waiting for a deal to be offered because that would happen in the Army, however the Air Force offers no provisions for deals in this case. He only had 2 weeks to prepare, parttime because he is a traditional guardsman.

(See rest of Form)

14. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

15. REMARKS (If applicable)

I also request a different RE code (1) and SPD code that does not make the narrative say: Misconduct, drug abuser.

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (CG-122)
2100 Second Street, S.W. Room 5500
Washington, DC 20593

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
(Former MSgt) (HGH-MSgt)
(EXAMINER'S NOTE: MISSING DISCHARGE
PACKAGE)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF South Portland ANG, ME on 31 Oct 07 UP AFI 36-3209, para 3.21.3.2 (Misconduct: Drug Abuse). Appeals for an Honorable Disch, Change to RE Code and Narrative Reason.

2. **BACKGROUND:**

a. DOB: 27 Jun 62 Enlmt Age: 18 8/12 Disch Age: 45 4/12 Educ: HS DIPL.

AFQT: A-74, E-72, G-74, M-99. PAFSC: 8R000 - Enlisted Accessions Recruiter
3A031 - Information Mgt Apprentice
3P031 - Security Forces Apprentice

DAS: Unknown.

- b. Prior Sv:
- (1) AFRes 8 Sep 1980 - Unk Nov 80 (Unk Mos, Unk das).
 - (2) Enlisted as AB on Unk Nov 08 for 4 Yrs.
Ext Unk
 - (3) Reenlisted as SSgt on 18 Sep 86 for 4 Yrs.
Ext 11 Dec 87 for 16 Mos
 - (4) Reenlisted as SSgt on 18 Jun 90 for 5 Yrs.
 - (5) Reenlisted as SSgt on 6 Apr 02 for 6 Yrs

3. **SERVICE UNDER REVIEW:**

- a. Reenlisted as TSgt on 15 May 06 for 6 yrs Svd: Unk Yrs, Unk Mos, Unk Das, all AMS.
- b. Grade Status:
- MSGT - 22 Aug 06
 - TSGT - 5 Aug 04
 - SSGT - 6 Apr 02
 - SRA - Unknown.
 - A1C - Unknown.
 - AMN - Unknown.
- c. Time Lost: Unknown.

d. Art 15's & Additional: Unknown.

e. CM: Unknown.

f. Record of Sv: Unk - 10 May 06 Unk 5 (Unk).

g. Awards & Decs: AFCM w/1OLC, AFAM, AFOUA w/4OLC, AFGCM w/2OLC, ARFMSM, NDSM w/2 SS, AFEM, GWOTSM, AFOSSTR, AFESR w/GB, AFLS w/4OLC, AFRM w/2M DEV, USAFPMEGR, SMEMR w/1SS, AFTR.

h. Stmt of Sv: TMS: (Unk) Yrs (Unk) Mos (Unk) Das
TAMS: (Unk) Yrs (Unk) Mos (Unk) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 6 Aug 08.

ATCH: Supporting Documents (98 pages)

27APR09/JLL

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d. SOCIAL SECURITY NUMBER	[REDACTED]				
e. CURRENT ADDRESS (Last, First, Middle Initial) (Forward notification of any change in address.)	[REDACTED]		f. TELEPHONE	[REDACTED]	
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20071031

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2100 Second Street, S.W. Room 5500
Washington, DC 20593

③ I have 17.5 years of exemplary service with any blemish, to include even a minor letter of reprimand. The only blemish at all was the result of a flawed board. If you disregard the board and view all my other service I would certainly merit an Honorable discharge and and RE-1 with a good spd code. I also request a better RE and spd code if that is in your purview.