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# 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

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for falling to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

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(See rear of Form)

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

I also request a different RE Code (A) and spd code that does not inage the norrative Say: Misconduct, dry abuse.

# 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)

# AIR FORCE

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

# NAVY AND MARINE CORPS

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

#### **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

(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/10LC, AFAM, AFOUA w/40LC, AFGCM w/20LC, ARFMSM, NDSM w/2 SS, AFEM, GWOTSM, AFOSSTR, AFESR w/GB, AFLS w/40LC, 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

# 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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13. CONTINUATION OF ITEM 6, ISSUES (IF applicable) (D) 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, howard, the Air Force of Fers no provisions for deals in this case. He only had a weeks to prepare, parttime because he is a traditional guards mon.

(See rear of Form)

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

I also request a different RE coele(4) and spd code that does not make the norrative Say: Misconduct, dry abuse.

## 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)

#### AIR FORCE

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

### **NAVY AND MARINE CORPS**

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

#### **COAST GUARD**

U.S. Coast Guard Commandant (CG-122) 2100 Second Street, S.W. Room 5500 Washington, DC 20593 (3) I have 17-5 years of exemplary service with tony blenish, to include even a minor letter

of reprimand. The only blensish 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 purulue.

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