

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	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE			RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION DANIEL CONWAY			ADDRESS AND OR ORGANIZATION OF COUNSEL 78 Clark Mill Rd Weare NH 03281			
YES	No							
<input checked="" type="checkbox"/>								
MEMBER SITTING				VOTE OF THE BOARD				
				HON	GEN	UOTHC	OTHER	DENY
								X**
								X**
								X**
								X**
								X**
ISSUES A92.21 A01.43 A01.55		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 13 Mar 2012		CASE NUMBER FD-2010-00167						
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 -R.F. Code</p>								
ENT				012				
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

CASE NUMBER

FD-2010-00167

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), with counsel, at Andrews AFB on 13 Mar 2012. The following witness also testified on the applicant's behalf: Mr. William L. Bagley (Stepfather).

The following additional exhibits were submitted at the hearing:

Exhibit #6: Response to Discharge and Letter of Evaluation

Exhibit #7: Character Reference Letters

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 of reason and authority for discharge, and to change of reenlistment code are denied.

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

Applicant contends discharge was improper because it was based on unsubstantiated evidence. The record indicates the applicant received an Article 15 for wrongful use of spice. Upon review of the record, the Board was unable to find any documentation regarding the investigation of the applicant's drug use. Additionally, after a thorough and complete consideration of the information submitted by the applicant, the applicant's testimony and the information provided the applicant's witness the Board found the applicant's contention to have no merit. Due to lack of evidence and supporting documentation to explain the circumstances regarding the investigation, the Board concludes that the misconduct was a significant departure from the conduct expected of all military members. The Board relies on the presumption of regularity and finds the characterization; reason for discharge and the reenlistment code were appropriate.

The Board was pleased to see that the applicant has a good job, was enrolled in college, and volunteers in his community. 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