

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE		AFSN/SSAN	
TYPE GEN		PERSONAL APPEARANCE		X		RECORD REVIEW	
YES		No		NAME OF COUNSEL AND OR ORGANIZATION			
X				ADDRESS AND OR ORGANIZATION OF COUNSEL			
MEMBER SITTING				VOTES OF THE BOARD			
				HON	GEN	UOTHC	OTHER
							X
							X
							X
							X
ISSUES <b>A92.35</b>		INDEX NUMBER <b>A66.00</b>		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 <b>07 Jun 2012</b>		CASE NUMBER <b>FD-2010-00233</b>					
APPLICANT'S SUSUB 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, 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: 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			

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	<b>CASE NUMBER</b> <b>FD-2010-00233</b>
<p><b>GENERAL:</b> The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) in California, but declined and requests that the review be completed based on the available service record.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p><b>FINDING:</b> The Board denies the upgrade of the discharge.</p> <p>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.</p> <p><b>ISSUE:</b> Applicant received a General discharge for Misconduct – Drug Abuse.</p> <p>Applicant contends discharge was inequitable because it was based on an isolated, one time incident in 31 months of service. The record indicates that the applicant was discharged for Misconduct—Drug Abuse. He received an Article 15 for wrongful use of marijuana. 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 almost three years of service was unaware of the Air Force policy of zero tolerance to drug use. Notwithstanding the applicant's claim that this was an isolated incident, the Board found the seriousness of drug abuse affords the commander authority to pursue administrative discharge to uphold good order and discipline, regardless of whether or not the member has an otherwise clear record. 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. A discharge is upgraded only if the applicant and the Board can establish that an inequity or impropriety took place at the time of discharge. After a thorough review of the record, the Board found no evidence to justify an upgrade of the discharge.</p> <p><b>CONCLUSION:</b> 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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	