

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	X	PERSONAL APPEARANCE		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 A94.05 A94.29	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 DATE 20 Apr 2006	CASE NUMBER FD-2005-00438	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Washington, D.C.

Advise applicant of the decision of the Board 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.

X = Board denies upgrade, change reason and authority and change of RE code (* change RE code)

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
INDORSEMENT	
DATE: 4/20/2006	

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 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00438

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), without counsel, at Andrews AFB on 20 April 2006.

The following additional exhibits were submitted at the hearing:

Exhibit #5: AFOSI Report

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code is denied.

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. The applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant had committed drug abuse as defined by the applicable Air Force Regulation and had also received an Article 15, two Letters of Reprimand, one Letter of Counseling, and five AETC Forms 341 for misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate under the circumstances.

Issue 2. The applicant stated that he only possessed, but did not use, the anabolic steroid found in his room. According to the applicant, he quit using the substance when it became illegal and put it away and forgot about it until it was discovered. Unfortunately for the applicant, even if what he says is the truth, the Air Force Instruction on administrative discharges, AFI 36-3208, paragraph 5.54, states that "drug abuse ... is the illegal, wrongful, or improper use, [or] possession ... of any drug... The term drug includes ... anabolic/androgenic steroids." Therefore, although the DRB was sympathetic to his situation, the DRB was unable to conclude that an inequity or impropriety had occurred in his case which would allow the DRB to upgrade his discharge. The DRB favorably noticed his remorse for his actions, his burning desire to resume service in the military and his acceptance of responsibility for his errors and unanimously assessed the applicant as a potentially suitable candidate for re-enlistment but has no power to grant clemency.

CONCLUSIONS: 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 that 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, thus the applicant's discharge should not be changed.

Attachment:

Examiner's Brief

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

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAFR Sheppard AFB, TX on 6 Jul 05 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 18 Jul 85. Enlmt Age: 19 1/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-45, E-67, G-37, M-61. PAFSC: 2A636 - Aircraft Electrical and Environmental Systems Apprentice. DAS: 15 Nov 04.

b. Prior Sv: (1) AFRes 18 Aug 04 - 27 Sep 04 (1 month 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 28 Sep 04 for 6 yrs. Svd: 00 Yrs 09 Mo 09 Das, all AMS.

b. Grade Status: AB - 31 May 05 (Article 15, 31 May 05)

c. Time Lost: None.

d. Art 15's: (1) 31 May 05, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties at or near Wichita Falls, Texas, on or about 9 Apr 05, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the legal drinking age of 21 and willfully failed to refrain from frequenting a local hotel, as it was your duty to do. You, who knew or should have known of your duties at or near Sheppard AFB, Texas, on or about 14 Apr 05, were derelict in the performance of those duties in that you willfully failed to refrain from leaving class early without permission, as it was your duty not to do. Article 107. You, did, at or near Shappard AFB, Texas, on or about 14 Apr 05, with intent to deceive, make to TSgt [redacted], an official statement, to wit: that you had permission from SrA [redacted] to leave class early to escort another airman to the dining facility, which statement was totally false, and was then known by you to be so false. Reduction to AB. Suspended forfeiture of \$617.00 pay per month for two months. Twenty days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 06 JUN 05 - Wrongful possession of a controlled



