

MEMBERS SITTING		VOYE OF THE BOARD				
		HON.	GEN.	WOTHC	OTHER	DENY
COL LLOYD F. LEROY						X
LT COL RICHARD M. STEDDING, JR.						X
LT COL STEVEN A. SIMON						X
LT COL NORMAN L. BURSON						X
LT COL DAVID A. CHRISTIANSON						X
ISSUES A92.35, A94.53		INDEX NUMBER A67.70		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 980903		CASE NUMBER FD97-00384		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	
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AFHQ FORM 0-454						
REMARKS						
Case heard at Dobbins ARB GA.						
The applicant was scheduled for a personal appearance before the Discharge Review Board at Dobbins ARB, GA, on September 3, 1998 but did not respond to formal notification of the hearing date and failed to appear without requesting a postponement.						
Advise applicant of the decision of the Board.						
SIGNATURE OF RECORDER <i>Steven A. Simon</i> STEVEN A. SIMON, COLONEL, USAF			SIGNATURE OF BOARD PRESIDENT <i>Lloyd F. LeRoy</i> LLOYD F. LEROY, COLONEL, USAF			
INDORSEMENT					DATE 98/09/22	
TO: SAF/MBR 560 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 20331-7002			
ADVISE THE APPLICANT, NEXT OF KIN, LEGAL GUARDIAN OR OTHER OF THE BOARD'S DECISION. SEE REMARKS SECTION FOR ADDITIONAL INSTRUCTIONS.						

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable.

The applicant was scheduled for a personal appearance before the Discharge Review Board at Dobbins ARB, Georgia, on September 3, 1998 but did not respond to formal notification of the hearing date and failed to appear without requesting a postponement.

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

**FINDINGS:** Upgrade of discharge is denied.

The Board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issue 1: The applicant stated his discharge was inequitable because it was based on one isolated incident in over three years of service with no other adverse action. The Board acknowledged that this was the only act of misconduct reflected in his record. While the record contained evidence of positive service, the Board determined that the severity of the misconduct made the characterization of the discharge appropriate.

Issues 2, 3, and 4 are similar and will be addressed together. The applicant contended that his use of steroids should not have resulted in his separation because he met the seven criteria for retention, he did not use other controlled substances as implied, and his use was experimental. The Board was concerned that the applicant engaged in an activity which he admitted knowing was wrong. The Board appreciated the candor displayed in the applicant's Article 15 response when he stated, "I knew, from the minute I walked into the pharmacy, that I would most likely regret what I was about to do," and "it was illegal and I was a security policeman in the United States Air Force." The Board carefully read the applicant's statement to the Office of Special Investigations and agreed with his contention that he did not admit to the use of other substances. The Board also reviewed the seven criteria and affirmed that the applicant's chain of command's conclusion that he did not meet the criteria was equitable and proper. Consequently, the Board found the issues to be without merit.

**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.

1 Attachment:

1. Examiner's Brief

03 SEP 1998

FD-97-00384

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

[REDACTED]  
[REDACTED]  
(Former A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 97/05/12 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 75/05/02. Enlmt Age: 18 9/12. Disch Age: 22 0/12. Educ: HS  
DIPL. AFQT: n/a M-87, A-82, G-70, E-79. PAFSC: 3P032 - Law Enforcement  
Apprentice. DAS: 94/09/16.

b. Prior Sv: AFRes 94/02/22 - 94/04/29 (2 months 7 days) (Inactive)

3. **SERVICE UNDER REVIEW:**

a. Enld as: A1C 94/04/29 for(4)Yrs. Svd: 3 Yrs 0 Mo 14 Das,  
all AMS.

b. Grade Status: A1C - 97/02/10 (ART 15, 07/02/10)  
SRA - 96/08/29

c. Time Lost: none.

d. Art 15's: (1) 97/02/10, Ramstein AB, Germany - You did, at or near Hauptstrasse #3, Schewedelbach, Germany, on divers occasions between o/a 20 May 96 and o/a 29 Oct 96, wrongfully possess some amount of Anabolic Steroids, a Schedule III controlled substance. You did, at or near Hauptstrasse #3, Schewedelbach, Germany, on divers occasions between o/a 20 May 96 and o/a 20 Oct 96, wrongfully use Anabolic Steroids, a Schedule III controlled substance. Rdn to A1C, 30 days extra duty. (No appeal) (No mitigation).

e. CM: none.

f. Record of SV: 94/04/29 95/12/28 Ramstein AB 3 (Initial)

95/12/29 97/02/15 Ramstein AB 3 (Annual)  
 (Discharged from Columbus AFB)

g. Awards & Decs: AFOUA, AFGCM, NDSM, AFOSLTR, SAEMR, AFTR.

h. Stmt of Sv: TMS: (3) Yrs (2) Mos (20) Das  
 TAMS: (3) Yrs (0) Mos (14) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 97/06/17.  
 (Change Discharge to Honorable)

Issue 1: My undesirable Discharge was inequitable because it was based on one isolated incident in over 3 years of service with no other adverse action. Many high ranking officials did not feel my discharge was justified action. They did not feel the punishment fit the deed, and did everything possible to prevent dismissal, and have provided letters and are willing to speak on my behalf.

Issue 2: My Undesirable Discharge was inequitable according to AFI 36-3208, PARA 5.55.2, member found to have abused drugs will be discharged unless seven criteria are met. I feel I fully met these standards as also did my Squadron Commander and also the Support Group Commander. (See Document 10).

Issue 3: (See Document 11, para 5b) I did not admit to using Gonatrophin stimulators or Cortisol blockers, I stated I planned on taking them to completely get off steroids, allowing my body's hormonal axis to return to normal with no after effects. (See also Document 12, page 3, which reflects this as true.)

Issue 4: (See Document 11, para 5b) Their meaning of experimentation is open to error. Unlike recreational drugs, anabolic steroids must be taken "routinely" in order to attain the desired results, (muscle growth). I experimented with them until the desired results were obtained, then stopping completely.

ATCHS

1. Nine(9) Letters of Recommendation/Appreciation.
2. Response to Involuntary Discharge.
3. Legal Review.
4. AF Form 1168.

97/08/28/ia



DEPARTMENT OF THE AIR FORCE  
86TH AIRLIFT WING (USAFE)



MEMORANDUM FOR [REDACTED]

FROM: 568 SPS/CC

07 MAR 1997

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for drug abuse. The authority is AFPD 36-32 and AFI 36-3208, Section H, paragraph 5.54. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action are that: you did, on divers occasions between on or about 20 May 96 and on or about 29 Oct 96, wrongfully possess and use anabolic steroids. For these actions, you received nonjudicial punishment on 10 Feb 97 (Atch 1a & 1b). This Article 15 was filed in your Unfavorable Information File on 14 Feb 97.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court Martial jurisdiction, or a higher authority, will decide whether you will be discharged or retained in the United States Air Force, and if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the United States Air Force, and any special pay, bonus, or education assistance funds you have received may be subject to recoupment.
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult with Cap [REDACTED] English, Area Defense Counsel, Building 2111, DSN 480-2182/2492 on 10 Mar 97 at 0900. You may consult civilian counsel at your own expense. The Area Defense Counsel requests that you stop by their office prior to your appointment to pick-up the Administrative Discharge Booklet.
5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me NLT (3 duty days) 12 March 97 at 0725 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.
6. If you fail to consult counsel or submit statements in your behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report in uniform with your medical records and an escort to the Ramstein Air Base Clinic, Physical Exams, Building 2182 on 7 Mar 97 at 0800 for the examination. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them. You must abstain from alcohol 72 hours, fast 12 hours, and abstain from caffeine and nicotine 10 hours prior to your appointment.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the orderly room.

  
USAF  
Commander

**Attachments:**

1. Supporting Documents
  - a. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 10 Feb 97 w/response
  - b. AF Form 1168, Statement of Suspect/Witness/Complainant, dated 29 Oct 96
2. Airman's Receipt of Notification Memorandum