

COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	RECORD REVIEW				
YES	NO		ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X						
MEMBERS SITTING			VOTE OF THE BOARD				
			HON	GEN	UOHC	OTHER	DENY
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD					
A94.53, A92.37, A93.17	A66.00	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 AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
REMARKS							
Case heard at Washington, D.C.							
Advise applicant of the decision of the Board and the right to a personal appearance with/without counsel, The right to submit an application to the AFBCMR.							
SIGNATURE OF RECORDER		SIGNATURE OF BOARD PRESIDENT					
[REDACTED]		[REDACTED]					
INDORSEMENT			DATE: 02-08-13				
TO: SAF/MIBR 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, 3 RD FLOOR ANDREWS AFB, MD 20762-7002				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0083

GENERAL: The applicant appeals for a change in reason and authority for the discharge.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

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

FINDINGS: Change of reason and authority for the discharge are denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for misconduct, namely drug abuse, and received an honorable characterization of service. Member admitted to the Air Force Office of Special Investigations (AFOSI) in a signed sworn statement dated 3 December 1993 that she had illegally smoked marijuana on seven separate occasions from 1988 to September 1993. Her husband also gave a signed sworn statement confirming member's illegal drug use. Member received Letter of Reprimand with Unfavorable Information File entry for the marijuana use on 3 January 1994. Member had reenlisted on 5 October 1993, and because her misconduct occurred during her previous two enlistments, but was not known at the time of her last reenlistment, it could be used as a basis for discharge, but not to characterize her service. Although member had over 8 years active service and was entitled to an administrative board hearing when recommended for discharge, and was notified of this right, the record does not reflect whether member exercised this right or what the outcome was if she did. The legal review of the recommended discharge and the separation authority's letter directing execution of the discharge action are also missing from the record. The Board opined however that member's rights were not prejudiced in that the chain of command clearly knew she must be given an honorable discharge and that is what she received. At the time of the discharge, the Air Force's drug policy was well publicized and members were continually made aware that illegal drug use was not tolerated. Marijuana use by a non-commissioned officer is viewed as a very serious failure to meet Air Force standards, and negates a member's otherwise acceptable performance. The Board noted that because drug abuse is not compatible with Air Force standards, the reason and authority for the discharge applicant received were warranted.

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 SGT) (HGH SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF 94/02/25 UP AFR 39-10, para 5-51 (Misconduct - Drug Abuse). Appeals for a Change in Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 65/04/12. Enlmt Age: 19 11/12. Disch Age: 28 10/12. Educ: HS DIPL. AFQT: N/A. A-95, E-37, G-41, M-09. PAFSC: 3A051 - Information Management Journeyman. DAS: 86/02/26.

b. Prior Sv: (1) AFRes 85/03/16 - 85/10/14 (7 months 0 days) (Inactive).

(2) Enlisted as A1C 85/10/15 for 4 yrs. Svd: 3 yrs 11 months 24 days, all AMS. SRA - 88/02/15. SGT - 88/02/15. APRs: 9,9,9,9.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SGT 89/10/10 for 4 yrs. Svd: 04 Yrs 04 Mo 16 Das, all AMS.

b. Grade Status: none.

c. Time Lost: none.

d. Art 15's: none.

e. Additional: none.

f. CM: none.

g. Record of SV:

89/03/30 - 90/02/15	Langley AFB	5	(CRO)
90/02/16 - 91/02/15	Langley AFB	4	(Annual)
91/02/16 - 92/02/15	Langley AFB	4	(Annual)
92/02/16 - 92/08/03	Langley AFB	5	(CRO)
92/08/04 - 93/08/03	Langley AFB	4	(Annual)

(Discharged from Langley AFB)

h. Awards & Decs: AFAM, AFAM W/1 LOC, AFOUA W/1 OLC, AFGCM W/1 OLC, NDSM, AFLSAR W/1 OLC, NCOPMER W/1 OLC, AFTR.

i. Stmt of Sv: TMS: (08) Yrs (11) Mos (10) Das
TAMS: (08) Yrs (04) Mos (11) Das



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR COMBAT COMMAND
LANGLEY AIR FORCE BASE, VIRGINIA

FROM: 1 MSSQ/CC

13 Jan 94

SUBJ: Letter of Notification - Board Hearing

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for misconduct - consisting of drug abuse, according to AFR 39-10, Section H, under the provisions of paragraph 5-51. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action is:

You did, on divers occasions between on or about 1 January 1988 and 30 Sept 1993, within the territorial limits of the United States, wrongfully use marijuana.

3. This action could result in your separation with an Honorable discharge. I am recommending that you receive an Honorable discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to 1st Medical Group, Physical Exam Section at 0700 on 18 Jan 1994 and at 11:15 on 18 Jan 1994 for the examination.

6. Military legal counsel, the Area Defense Counsel, Bldg 142, ext 5607, has been obtained to assist you. An appointment has been scheduled for you to consult her on 21 Jan 1994, at 1330. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statements as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in your unit orderly room.

9. Execute the attached acknowledgment and return it to me immediately.


Lt Col, USAF
Commander, 1 MSSQ

2. Atch
1. LOR, 3 Jan 94
2. EPRs