

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AB</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES		
NO	<b>X</b>	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>

ISSUES <b>A01.00</b>	INDEX NUMBER <b>A67.70</b>	EXHIBITS SUBMITTED TO THE BOARD
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> 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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE OF [REDACTED]	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT	DATE: <b>10 JAN 03</b>
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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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable, change of reason for discharge, and change of reenlistment eligibility (RE) code.

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

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 the 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. The contained in the applicant's records was carefully reviewed by the DRB. The records indicated the applicant received one Article 15, two Letters of Reprimand, two Records of Individual Counseling and one Letter of Admonishment for misconduct. The misconduct included unprofessional conduct, failure to go, late for work, financial irresponsibility, and wrongfully using marijuana. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior. In addition, drug abuse is not conducive to service in the United States Air Force. The Board concluded the misconduct outweighed the otherwise satisfactory performance of this member.

**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, 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 USAF 11 Jun 01 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 21 Aug 79. Enlmt Age: 19 2/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-35, E-39, G-33, M-15. PAFSC: 3M051 - Services Journeyman. DAS: 9 Jul 99.

b. Prior Sv: (1) AFRes 16 Nov 98 - 16 Mar 99 (4 Mos 1 Day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 17 Mar 99 for 4 yrs. Svd: 2 Yrs 2 Mos 25 Das, all AMS.

b. Grade Status: AB - 22 May 01 (Article 15, 22 May 01)  
A1C - 17 Jul 00  
AMN - 17 Sep 99

c. Time Lost: None.

d. Art 15's: (1) 22 May 01, Grand Forks AFB, ND - Article 112a. You, did, within the continental United States, between on or about 17 Mar 01 and on or about 17 Apr 01, wrongfully use marijuana. Reduction to the grade of AB. (No appeal) (No mitigation)

e. Additional: LOR, 11 APR 01 - Unprofessional conduct.  
LOR, 16 MAR 01 - Financial irresponsibility.  
RIC, 08 APR 00 - Late for work on two occasions.  
LOA, 18 FEB 00 - Failure to go.  
RIC, 19 JAN 00 - Failure to go on two occasions.

f. CM: None.

g. Record of SV: 17 Mar 99 - 16 Nov 00 Grand Forks AFB 4 (Initial)

(Discharged from Grand Forks AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (6) Mos (26) Das  
TAMS: (2) Yrs (2) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Aug 02.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**

1. Letter to Discharge Review Board.

20 Nov 02/cr



FD 2002-0344

**DEPARTMENT OF THE AIR FORCE**  
HEADQUARTERS 319TH AIR REFUELING WING (AMC)  
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

31 May 2001

MEMORANDUM FOR 319 ARW/CC

FROM: 319 ARW/JA

SUBJECT: AFI 36-3208 Discharge Legal Review - [REDACTED]

1. We have reviewed and found legally sufficient the attached AFI 36-3208 discharge package, contingent upon the inclusion of a medical report clearing the respondent for separation. The respondent is eligible for separation per AFI 36-3208, paragraph 5.54 (drug abuse), and should be separated with a general discharge.
2. 319 SVS/CC initiated this action on 25 May 01 because the respondent willfully committed the following offense: She did, within the continental United States, between on or about 17 Mar 01 and on or about 17 Apr 01, wrongfully use marijuana. For this misconduct, she received an Article 15 dated 22 May 01. Punishment consisted of reduction to the grade of airman basic. The Article 15 was placed in her existing Unfavorable Information File (UIF) on 22 May 01.
3. The respondent is subject to discharge per AFI 36-3208, paragraph 5.54 (drug abuse). 319 SVS/CC recommends a general discharge without probation and rehabilitation.
4. The respondent is 21 years old and began her first and only four-year enlistment on 17 Mar 99. She has received one EPR with an overall rating of 4. The respondent consulted with counsel and waived her right to submit statements on her own behalf.
5. Since this is a notification case, the respondent may receive only an honorable or general discharge, unless you choose to refer this case to a discharge board. The respondent's wrongful use of marijuana is a significant negative aspect of her service record that outweighs any period of satisfactory duty performance. [REDACTED] has proven that she cannot live up to the standards expected of a member of the Air Force and that she should be discharged. Abuse of drugs is defined as "illegal, wrongful, or improper use, possession, sale, transfer, or introduction onto a military installation of any drug." AFI 35-3208 para 5.55.2.1 outlines the 7 criteria which must be met in order to retain a member, by waiver, who abuses drugs on active duty: 1) drug abuse is a departure from usual behavior; 2) drug abuse occurred as a result of experimentation; 3) drug abuse does not involve recurring incidents; 4) member does not desire or intend to engage in drug abuse again; 5) drug abuse occurred under circumstances unlikely to occur again; 6) the member's continued presence in the Air Force is consistent with good order, discipline and morale; 7) drug abuse did not involve distribution. The General Court-Martial Convening Authority is the approval authority for such waivers. In this case, no

**Attorney client privilege material and/or attorney work product.**

This document was prepared in direct or indirect anticipation of litigation. Not for release or transfer outside of the Air Force without specific approval of the originator or higher authority. Not subject to discovery or release under P.L. 95-502 (5 USC 552).





DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 319TH AIR REFUELING WING (AMC)  
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

25 MAY 2001

MEMORANDUM FOR [REDACTED]

FROM: 319 SVS/CC



SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for drug abuse. The authority for this action is AFPD 36-32 and AFI 36-3208 in accordance with 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 reason for this action is that you did, within the continental United States, between on or about 17 Mar 01 and on or about 17 Apr 01, wrongfully use marijuana. For this misconduct, you received an Article 15 dated 22 May 01. Punishment consisted of reduction to the grade of airman basic. The Article 15 was placed in your existing Unfavorable Information File (UIF) on 22 May 01. (Attachment)
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the 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 Air Force and will probably be denied enlistment in any component of the armed forces.
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You have been scheduled an appointment at the Office of the Area Defense Counsel at Building 306, Room 321 on 29 MAY 01 at 1200 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 31 MAY 01 at 0130 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 to submit statements in your own 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 to the 319th Medical Group on 1 JUN 01 at 1000 hours for the examination.

8. Deliver to me immediately your military identification card. I have requested that a temporary identification card be issued IAW AFI 36-3001, paragraph 4.2. You will report to me by COB 25 May 01, to verify that issuance of Temporary Identification Card(s) has been accomplished.

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

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

  
 USAF  
Commander, 319 SVS

Attachments:

1. Privacy Act Statement
2. Supporting Documents  
Article 15/UIF dated 22 May 01 and supporting documents
3. Other Derogatory Data
  - a. LOR/UIF dated 16 Mar 01
  - b. LOR dated 11 Apr 00
  - c. RIC dated 8 Apr 00
  - d. LOA dated 18 Feb 00
  - e. RIC dated 19 Jan 00
4. Respondents Data
5. Personnel Data