

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE AB	AFSN/SSAN ████████████████
--	--------------------	--------------------------------------

TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A93.17, A01.13, A01.23, A92.37	INDEX NUMBER A66.00	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 03-05-07	CASE NUMBER FD2002-0429	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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER _____ SIGNATURE OF BOARD PRESIDENT _____

INDORSEMENT

DATE: 03-05-07

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

FD2002-0429

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

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: Upgrade of discharge is denied.

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

Issues. Applicant was administratively discharged for misconduct, namely wrongful distribution of about 5.6 grams or less of marijuana, for which she plead and was found guilty at Special Court Martial. At the time of the discharge member consulted counsel and waived her right to submit statements in her own behalf. She also failed to argue that she met the seven retention criteria. Applicant now contends she did nothing wrong because she did not know the civilian she transported onto the base was coming there to sell drugs, although she had some vague idea the civilian did use and sell drugs as well as the military member who asked applicant to bring the civilian on base. Applicant further contends that even if she did something wrong, she has suffered long enough. Review of applicant's signed sworn statement provided to the Air Force Office of Special Investigations during their investigation of this matter disclosed member admitted she knew the civilian was bringing drugs on base for other military members when she (member) gave the civilian the ride to base, and told the civilian afterward that it "was not cool" because she (member) "could get into a lot of trouble for that." The fact that member knew she was transporting the civilian on base to sell drugs to other military members was corroborated in signed sworn statements by two other military members and the civilian. The Board concluded member's misconduct was an extremely significant departure from conduct expected of all military members. She was responsible for her actions of misconduct and must be held accountable for those. Additionally, the Air Force's drug policy was well publicized and members were continually made aware that illegal drug use, possession or distribution were not tolerated. The Board noted that because drug abuse and distribution are not compatible with Air Force standards, applicant's misconduct therefore warranted the characterization of service she received. No inequity or impropriety was found in this discharge in the course of the records review.

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

2. **BACKGROUND:**

a. DOB: 17 Feb 80. Enlmt Age: 18 7/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-70, E-32, G-30, M-32. PAFSC: 2S031 - Supply Management Apprentice. DAS: 22 Nov 99.

b. Prior Sv: (1) AFRes 22 Sep 98 - 3 Aug 99 (10 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 Aug 99 for 4 yrs. Svd: 1 Yrs 9 Mo 7 Das, all AMS.

b. Grade Status: AB - 13 Feb 01 (SPCMO#2, 14 Mar 01)
Amn/A1C - Unknown.

c. Time Lost: 13 Feb 01 thru 11 May 01 (2 months 28 days).

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial Order No.2 - 14 Mar 01.

CHARGE: Article 112a. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Moody AFB, Georgia, on or about 12 Oct 00, wrongfully distribute 5.6 grams, or or less, of marijuana. Sentence adjudged by military judge on 13 Feb 01: Forfeiture of \$600.00 pay per month for 3 months, confinement for 3 months, and reduction to the grade of airman basic.

g. Record of SV: None.

(Discharged from Moody AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (22) Das
TAMS: (1) Yrs (6) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Oct 02.

(Change Discharge to Honorable)

Issue 1: I was charged with aiding and abetting distribution of marijuana. I plead guilty at a special court-martial and was confined for three months as part of my punishment. Although I was not sentenced to a punitive discharge, separation authority gave me a general discharge, with the advice of my squadron commander. I request an honorable discharge instead of a general discharge because I feel as though I did nothing wrong. And even if I did, I feel like I have suffered enough for the wrong I committed.

I was asked to go pick up a mutual civilian friend. I drove my vehicle off base to pick up the civilian friend. I brought her on base and parked outside a dormitory. This civilian, female friend got out of my vehicle and went into a vehicle of a male, active duty friend. He was the same person who asked me if I would go off to get her and bring her back on base. I had an idea that he was asking me to go get her so that he could buy marijuana from her, but I did not know for sure because nobody said that to me specifically, and I never saw any marijuana. But I did know that she used and sold marijuana, and I thought he used and sold marijuana as well. I later found out that he was working as a confidential information for the OSI detachment on base. To the extent that I had an idea as to what was going on, I was told that I couldn't plead ignorant. But I believed then, and I still believe, I didn't deserve to be brought up on charges of assisting a distribution because I did not know for sure if that was what was going to happen. Nonetheless, to the extent I did do something wrong, I have to pay for it. I have paid for it. I served my time in confinement in Norfolk, Virginia. While I was active duty, I did a great job for my squadron and my supervisors. I had two supervisors testify on my behalf in my sentencing case, saying that I was a great airman and troop. For these reasons, I do not feel it is fair that my service be characterized as general. My service was honorable and my discharge paperwork should reflect as much. Thank you.

ATCH
None.

3FEB03/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 347TH WING (ACC)
MOODY AIR FORCE BASE, GEORGIA

30 April 2001

MEMORANDUM FOR [REDACTED]

FROM: 347 SUPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for drug abuse. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reason for this action is as follows:

On or about 13 February 2001, you were found guilty at Moody Air Force Base, Georgia, of the following offense at a special court-martial, to wit: You did, at or near Moody Air Force Base, Georgia, on or about 1 October 2000, wrongfully distribute 5.6 grams, more or less, of marijuana. Your punishment included reduction to the grade of airman basic, confinement for 3 months and forfeiture of \$600.00 pay month for 3 months. (Atch 1).

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 any pay special pay, bonus, or education assistance funds may be subject to recoupment.

3. 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 Area Defense Counsel, in Building 5107 Austin Ellipse, Moody AFB, GA, extension (DSN) 460-3421, on 30 April 2001 at 1500 hrs. Please take your copy of this Notification Memorandum and attachments with you to your appointment. You may consult civilian counsel at your own expense.

4. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days after receipt of this notification letter unless you request and receive an extension for good cause shown. I will send them to the separation authority.

Global Power for America

5. 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.

6. You have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, Physical Exams, Building 3296, on 1 May 2001 at 0750 hrs for the examination. This is a mandatory appointment. Be sure to bring your medical records to this appointment.

7. 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.

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


USAF
Commander, 347th Supply Squadron

Attachments:

1. Supporting Documents, Reasons for Discharge
SPCMO, 14 March 2001
2. Airman's Receipt of Notification Memorandum