

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE AB	AFSN/SSAN ████████████████████				
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW					
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO						
	X						
MEMBERS SITTING		VOTE OF THE BOARD					
		HON	GEN	UOTIC	OTHER	DENY	
						X	
						X	
			X				
							X
							X
ISSUES A94.01	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 28 MAR 03		CASE NUMBER FD2002-0493		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: 28 MAR 03		
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

FD02-0493

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

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 evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

ISSUE: The applicant believes her discharge is inequitable because it was too severe a punishment. The applicant indicates that this one incident was the first and only time that she used Ecstasy. The records indicated the applicant received an Under Other Than Honorable Discharge for Misconduct – Drug Abuse. She received an Article 15 for wrongfully using Ecstasy. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. 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.

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

[REDACTED]
(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 20 May 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse. Appeals for General Disch.

2. **BACKGROUND:**

a. DOB: 19 Jun 81. Enlmt Age: 18 9/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-77, E-60, G-48, M-33. PAFSC: 4A031 - Health Service Management Apprentice. DAS: 13 Aug 00.

b. Prior Sv: (1) AFRes 6 Apr 00 - 19 Apr 00 (14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 20 Apr 00 for 4 yrs. Svd: 2 Yrs 1 Month 1 Day, all AMS.

b. Grade Status: AB - 7 Nov 01 (Article 15, 7 Nov 01)
Amn - 20 Oct 00

c. Time Lost: None.

d. Art 15's: (1) 7 Nov 01, Columbus AFB, MS - Article 112a. You did, at or near Myrtle Beach, South Carolina, between on or about 1 Mar 01 and 31 Mar 01, wrongfully use 3,4 methylenedioxymethamphetamine or some derivative thereof, commonly known as Ecstasy, a Schedule 1 controlled substance. Reduction to AB. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Columbus AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (1) Mos (15) Das
TAMS: (2) Yrs (1) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Nov 02.
(Change Discharge to General)

Issue 1: My discharge was inequitable because it was based on one isolated incident. That incident was the first & only time that it happened in my life & throughout my 25 months of service. It happened with no other adverse action. I still to this day regret my decision the night that incident happened. I regret it because I no longer have a career in the military & can no longer say that I fight for my country. For I no longer fight for my country. I would like to have my discharge upgraded to a general. Even though I had one isolated incident I still proudly went to work in my uniform everyday until my discharge.

ATCH

1. Two Character References.
2. 14th Medical Group Customer Satisfaction Card.

18FEB03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2002-0493
29 Apr 02

MEMORANDUM FOR [REDACTED]

FROM: 14 MDG/CC

SUBJECT: Addendum to Notification Memorandum—Board Hearing

1. On 14 Jan 02 you were notified by the 14 MDOS/CC of her recommendation for your discharge from the United States Air Force for Drug Abuse. The authority for this action was AFPD 36-32, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, Misconduct, Paragraph 5.54. I am hereby informing you that the 14 Jan 02 Notification Memorandum is amended to include the following attachments:

- a. AF Form 1168, Statement of Suspect/Witness/Complainant, dated 12 Jul 01
- b. Written Presentation to Non-Judicial Punishment, dated 2 Nov 01

2. As you were previously informed, this action could result in your separation from the Air Force with an Under Other Than Honorable Conditions (UOTHC) discharge. The 14 MDOS/CC is recommending that your service be characterized as Under Other Than Honorable Conditions. The commander exercising special court-martial jurisdiction, or a higher authority will make the final decision on the matter. 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

3. You were informed of your rights in the 14 Jan 02 Notification Memorandum. Confer with your counsel and reply, in writing, by COB 8 May 02 (seven work days from your receipt of this Addendum) specifying the rights you choose to exercise. You may submit written statements on your own behalf. I will send any statements to the discharge authority with the case file for consideration.

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

[REDACTED]



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD2002-0493

14 Jan 02

MEMORANDUM FOR [REDACTED]

FROM: 14 MDOS

SUBJECT: Notification Memorandum—Board Hearing

1. I am recommending your discharge from the United States Air Force for Drug Abuse according to AFPD 36-32, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airman*, under the provisions of Chapter 5, Section H, Misconduct, Paragraph 5.54, Drug Abuse. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached.

2. My reasons for this action are:

Between on or about 1 Mar 01 and 31 Mar 01, you wrongfully used 3,4-methylenedioxymethamphetamine or some derivative thereof, commonly known as Ecstasy, a Schedule I controlled substance. For your actions, nonjudicial punishment proceedings were initiated against you. As a result of the nonjudicial punishment, you were reduced to the grade Airman Basic. (See Atch 2)

3. This action could result in your separation from the Air Force with an Under Other Than Honorable Conditions (UOTHC) discharge. I am recommending that you receive an Under Other Than Honorable Conditions discharge. The commander exercising special court-martial jurisdiction, or a higher authority will make the final decision on the matter. 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

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 on your own behalf, in addition to, or in lieu of, a 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 the right to consult counsel. Military legal counsel has been obtained to assist you. Please consult the Area Defense Counsel at Keesler AFB at DSN 597-2429 or (228) 377-2429. 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 by AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to retaining civilian counsel. Civilian counsel, if employed, must be readily available.

6. Confer with your counsel and reply, in writing, by COB 24 Jan 02 (seven work days from your receipt of this notification memorandum) specifying the rights you choose to exercise. The statement must be signed by you in the presence of your counsel who will also sign it. If you waive the right to a hearing before an administrative discharge board, you may submit written statements on your own behalf. I will send any statements to the discharge authority with the case file for consideration. If you fail to respond, your failure will constitute a waiver of the right to a board hearing.

7. You have been scheduled for a medical examination. You must report to the Columbus AFB Clinic, Physical Exam Section at 1030 hrs on 15 Jan 02 for the examination.

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 unit orderly room.

9. If you request a board hearing and fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

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



Attachments:

1. AF Form 1168, Statement of Suspect/Witness/Complainant, dated 12 Jul 01
2. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 7 Nov 01
3. Airman's Acknowledgement