

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
--	---------------------	--------------------------------

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

MEMBERS SITTING	VOICE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A93.07, A94.53	INDEX NUMBER A74.00	EXHIBITS SUBMITTED TO THE BOARD	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
HEARING DATE 22 JUL 03	CASE NUMBER FD2003-00019	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 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, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORD [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
--	---

ENDORSEMENT	DATE: 23 JUL 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

FD2003-00019

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 received an Under Other Than Honorable Conditions (UOTHC) discharge pursuant to her request to be discharged in lieu of trial by court martial, apparently for a drug related offense. Additionally, member had an Article 15 in the same enlistment for absenting herself from her unit for 5 days. At the time of the discharge, member submitted matters indicating her spouse has been prosecuted and convicted of marijuana possession, and she had been drawn into his criminal activity because of her love for him. Another letter indicates member was "inadvertently involved" in an incident, apparently related to her spouse's illegal activities. Nevertheless, the Board concluded member's apparent misconduct was incompatible with Air Force standards and an extremely significant departure from conduct expected of all military members. Member would have been well aware of the Air Force's zero tolerance policy for drug abuse. For the period of service under review, her misconduct was sufficient reason for receiving a UOTHC discharge. The Board further notes that applicant voluntarily submitted her request for discharge in lieu of trial by court martial, thus not attempting to establish her innocence or present her extenuating or mitigating factors. In doing so she acknowledged that under these circumstances her characterization of service could be deemed under other than honorable conditions in accordance with discharge regulations, wherein airmen so discharged usually do have their service characterized as UOTHC. Furthermore, since the discharge documents are not available for review, and lacking any evidence from the applicant to the contrary, the Board must rely on the presumption of regularity and found no wrongful action by the Air Force, and finds the discharge proper and without basis for upgrade.

If she can provide additional documented information to substantiate an issue, the applicant should consider exercising her right to make a personal appearance before the Board. If she should choose to exercise her right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments and contributions to the community.

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 AMN) (HGH A1C)

MISSING DOCUMENTS AND MEDICAL RECORDS

1. MATTER UNDER REVIEW: Appl rec'd a UOTH Disch fr USAF 30 Nov 95 UP AFI 36-3208, Chapter 4 (Discharge in Lieu of Court Martial). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 8 Oct 73. Enlmt Age: 19 0/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-76, E-45, G-41, M-21. PAFSC: 3A031 - Information Management Apprentice. DAS: Unknown.

b. Prior Sv: (1) AFRes 24 Oct 92 - 11 Jan 93 (2 months 19 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 12 Jan 93 for 4 yrs. Svd: 2 Yrs 10 Mo 19 Das, of which AMS is (2 yrs 10 months 15 days (excludes 4 days lost time)).

b. Grade Status: AMN - 15 Nov 94 (Article 15, 15 Nov 94)
A1C - 12 May 94
AMN - 12 Jul 93

c. Time Lost: 3 Nov 94 through 6 Nov 94 (4 days).

d. Art 15's: (1) 15 Nov 94, Keesler AFB, MS - Article 86. You did, on or about 3 Nov 94, without authority, absent yourself from your unit, and did remain so absent until on or about 7 Nov 94. Reduction to Amn. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: 12 Jan 93 - 11 Sep 94 Keesler AFB 3 (Intial)

(Discharged from Keesler AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (3) Yrs (1) Mos (3) Das
TAMS: (2) Yrs (10) Mos (15) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 6 Jan 03.
(Change Discharge to Honorable)

FD2003-00019

Letter Attached to Brief.

ATCH

1. Applicant's Letter to Board.
2. DD Form 214.

1MAY03/ia

FD 2003-00019

January 6, 2003

[REDACTED]
[REDACTED]
[REDACTED]

SAF/MRBR
550-C Street West, Suite 40
Randolph, AFB, TX 78150-4742

Dear Board of Review Office

I am respectfully submitting DD Form 293 in hope that my discharge be upgraded to an Honorable Discharge per Title USC 1553: EO 9397. I would like to exercise my right to request this upgrade, since I have met the allowed minimum time to apply for an upgrade.

The Under Other Than Honorable Condition (UOTHC) discharge serves no purpose. It may prevent me from applying for government positions. If I were allowed to be given an Honorable Discharge, this would allow me to apply for government positions without potential obstacles for government employment.

Thank you for your time and consideration in this matter.

Sincerely,
[REDACTED]