

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	MOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.05	INDEX NUMBER A66.00	EXHIBITS SUBMITTED TO THE BOARD	
		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 RATIONAL 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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 18 JUN 03
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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 RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD03-0105

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

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 admitted to smoking marijuana a few times while off duty and off base. The records indicated the applicant received an Article 15 for wrongfully using marijuana. The Board concluded the drug abuse was a significant departure from the conduct expected of all military members. 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 of the applicant appropriately characterized her term of service.

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]
[REDACTED] (Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a Gen Disch fr USAF 2 Mar 89 UP AFR 39-10, para 5-49c (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 19 Jul 69. Enlmt Age: 18 1/12. Disch Age: 19 7/12. Educ: HS DIPL. AFQT: N/A. A-74, E-65, G-74, M-60. PAFSC: 39150 - Maintenance Data Systems Analysis Specialist. DAS: 31 Jul 88.

b. Prior Sv: (1) AFRes 2 Sep 87 - 1 Nov 87 (2 Months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 2 Nov 87 for 6 yrs. Svd: 1 Yr 4 Mos 1 Das, all AMS.

b. Grade Status: AMN - 22 Feb 89 (Article 15, 22 Feb 89)
A1C - 17 Dec 87

c. Time Lost: None

d. Art 15's: (1) 22 Feb 89, Dyess AFB, TX - Article 112a. You, did, in the continental United States, between on or about 7 Dec 88, and on or about 30 Jan 89, on divers occasions, wrongfully use marijuana. Reduction to AMN, and forfeiture of \$50.00 pay per month for two months. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 2 Nov 87 - 27 Nov 88 Dyess AFB 9 (Annual)

(Discharged from Dyess AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yr (6) Mos (1) Das
TAMS: (1) Yr (4) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 Mar 03. (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF

FD2003-00105

ATCH

1. Applicant's Issues.
2. Applicant's Letter.
3. DD Form 214.
4. Airman Performance Report.
5. Article 15.

16Apr03/cr

Section 8: Issues

- 1) Being young, naive and intimidated by the OSI, I admitted to participating in smoking marijuana a few times while off duty and off base during the first month we were living in the apartment.
- 2) Had I retained a lawyer instead of cooperating with the OSI, I would not have been discharged being that my drug screen came up negative.
- 3) I discontinued the use of marijuana of my own accord, but, because I admitted under interrogation by the OSI to drug abuse, I was not given the option to go through rehabilitation and remain in the Air Force.
- 4) My Commander issued the least amount of punishment stipulated by the UCMJ and I was ordered to receive a General (under honorable conditions) discharge.
- 5) Aside from this incident, I my service record was exemplary. I received the highest scores possible on my Airman Performance Report and was recommended for below the zone promotion to Senior Airman by my supervisors.
- 6) I have not gotten into any further trouble and have remained a good citizen as well as a roll model for my children.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 463D TACTICAL AIRLIFT WING (MAC)
DYESS AIR FORCE BASE, TEXAS 79607-5000

FD2003-00105

REPLY TO
ATTN OF: 463 TAW/CCQ

1 Mar 89

SUBJECT: Notification Letter

TO: Amn [REDACTED] 463 HQSQ :

1. I am recommending your discharge from the United States Air Force for Misconduct -- Commission of a Serious Offense -- Drug Abuse. The authority for this action is AFR 39-10, paragraph 5-49c. 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:

You did, in the continental United States, between on or about 7 Dec 88 and on or about 30 Jan 89, on diverse occasions, wrongfully use marijuana, as evidenced by an AF Form 3070 dated 22 Feb 89.

A copy of the document to be forwarded to the separations authority in support of this recommendation is 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.

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 Capt. [REDACTED], at the Area Defense Office on 6 Mar 89 at 1030 hrs. You may consult civilian counsel at your own expense.

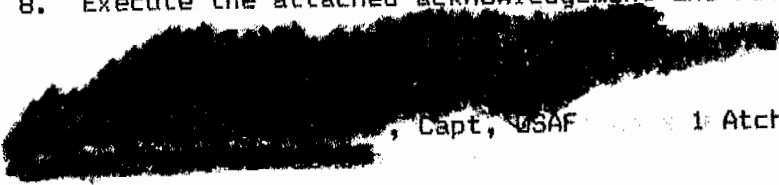
4. You have the right to submit statements in your own behalf. Any statements you may want the separation authority to consider must reach me by *7 Mar 89, 1000 hrs* unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult 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 Dyess AFB Hospital at 0930 hrs on 01 March 1989 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the unit's functional library.

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



, Capt, USAF 1 Atch: AF Form 3070, Commander,