

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE ██████	AFSN/SSAN ██████████
TYPE: gen	PERSONAL APPEARANCE	X	RECORD REVIEW

COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	No					
	X					

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
██████████					X
██████████					X
██████████					X
██████████					X
██████████					X

ISSUES A93.23 A92.35 A93.09	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			
HEARING DATE 19 Nov 2003	CASE NUMBER FD-2003-00289		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
			TAPE RECORDING OF PERSONAL APPEARANCE			

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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

[Handwritten Signature]

INDORSEMENT		DATE: 11/19/2003
TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00289

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change her reenlistment code.

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 and change of reenlistment code are denied.

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

Issues. Applicant was discharged for misconduct, namely drug abuse (marijuana), for which she received an Article 15. The record shows that at the time of the discharge member consulted counsel yet waived her right to submit statements in her own behalf. Furthermore, member did not request she be considered for retention at the time of the discharge, and had she, it would have been her burden of proof to show she met the seven retention criteria. Applicant now infers her illegal marijuana use was a lapse of judgment due to immaturity and personal stresses in her life, and admits she made a "mistake." Applicant further contends that she should not be penalized indefinitely for a mistake she made when young. The Board recognized applicant was 21 years of age when the discharge took place, however, there is no evidence she was immature or did not know right from wrong. The Board opined the applicant was the same age as the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. At the time of her discharge, the Air Force's drug policy was well publicized and members were continually made aware that illegal drug use was not tolerated. Marijuana use is viewed as a very serious failure to meet Air Force standards. The Board noted that because drug abuse is not compatible with Air Force standards, the characterization of service she received is warranted and appropriate due to that misconduct.

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 MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 12 Nov 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 22 Apr 81. Enlmt Age: 20 1/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-63, E-56, G-53, M-46. PAFSC: 3E431 - Utilities Systems Apprentice. DAS: 28 Feb 02.

b. Prior Sv: (1) AFRes 25 May 01 - 17 Sep 01 (3 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Sep 01 Svd: 1 Yrs 1 Mo 26 Das, all AMS.

b. Grade Status: AB - 15 Oct 02 (Article 15, 15 Oct 02)
 A1C - 2 Nov 01

c. Time Lost: None.

d. Art 15's: (1) 15 Oct 02, Lackland AFB, TX - Article 112a. You, did, at or near Black River Falls, Wisconsin, on or about 25 Aug 02, wrongfully use marijuana. Reduction to AB, and 15 days restriction. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Lackland AFB)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (5) Mos (19) Das
 TAMS: (1) Yrs (1) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 May 03.
 (Change Discharge to Honorable and Change the RE Code)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

12SEP03/ia

May 29, 2003

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

To Whom It May Concern:

SUBJECT: CHANGE OF DISCHARGE

I feel my discharge was inequitable because it was based on one isolated incident. As my record should show I have never had any preservice civilian convictions. I feel it is important to bring attention to my medical diagnosis during the time my urinalysis was failed.

Throughout my 14 months of service I tried my hardest to overcome the situation I had put myself into. I was misinformed about my job (3E431), and very unhappy about leaving school to be a plumber, but I graduated with a 93%. When I arrived to my first permanent duty station (Lack land AFB) I informed my supervisor that I was very displeased and would like to be cross trained into something else as soon as possible. After talking to my First Sergeant, my Chief, and my commanding officer the agreement was to complete my CDCs and they would try to find something else I could do besides plumbing within our squadron. When I received this news I felt much better and got off to a great start in my CDCs. As time went by I just starting feeling more and more hopeless every day, my supervisor suggested I take some leave and go home for a week or two, so I did. When it came time to come back I would have considered selling my soul to the devil to put my mistake behind me, but there was just nothing I could do but return to Lackland AFB. I was at a state of mind that is hard to explain, because I have never felt so low and hopeless in my entire life. After being back for about a week my family could tell I was much worse than I sounded before I came to visit, they advised me to go talk to a minister, so I did. After talking to her for about an hour she felt it would be best if I went to talk to a doctor, so I agreed. I was in the hospital for about a week from which I was diagnosed with chronic depression for being unable to adapt to military life. After my diagnosis I talked to my First Sergeant about my discharge, and that is when my urinalysis came back from the hospital. Yes I tested positive for THC, and yes I am more ashamed than anyone can imagine, but I felt as if all my options had ran out and if I could heal my pain enough to get back to Texas everything would work out in the end. Unfortunately it became a bigger problem in my life than just being a plumber and being away from all the people I love so dearly.

I am asking you to please consider changing my discharge for one main reason. I made a mistake, there is no doubt about that, I would do just about anything to take it back, but as a young adult trying to explore my options for a path in life do I deserve to be punished for the rest of my life? I know that there has been a time in probably everyone's life that they didn't know exactly what the correct decision was but went with what they thought was right at the time, which is exactly what I did. Now I will be completing my Finance associates degree this spring and will be job searching this summer. I know from experience that just about any job now days requires a background check. I know from experience already with my DD Form 214 saying my discharge was for misconduct they want answers, and the answer I have for them is going to be the one that gets the other person the job I am fully capable of completing. I started my Finance degree fresh out of high school and have been working two jobs and attending school full time to finish what I should have never ended. I am a very hard working, honest, and dependable person/employee, so I ask that you give me the opportunity to move forward without having to look back!

Respectfully,






DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2003 - 00289

28 OCT 2002

MEMORANDUM FOR [REDACTED]

FROM: 37 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Drug Abuse. The basis for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as Honorable, Under Honorable Conditions (General) or Under Other Than Honorable Conditions (UOTHC). I am recommending that your service be characterized as General.
2. My reason for this action is that you did, at or near Black River Falls, Wisconsin, on or about 25 Aug 02, wrongfully use marijuana, in violation of Article 112a, Uniform Code of Military Justice (UCMJ). As a result, you received an Article 15 dated 15 Oct 02. Your punishment was reduction to the grade of AB (E-1) and restriction for 15 days. The Article 15 was filed in your Unfavorable Information File (UIF).
3. A copy of the document to be forward to the separation 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, if you are discharged, and how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.
4. You have the right to counsel. Military Legal Counsel has been obtained for you. I have made an appointment for you to consult the Area Defense Counsel, at Building 1000, on 28 Oct 02 at 1500 hours. You may consult civilian counsel at your own expense. If employed, civilian counsel must be readily available.
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 (3 workdays) 31 Oct 02, 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 statement 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 Wilford Hall Medical Center, Family Practice, building 4450, on 7 Nov 02 at 0945 hours with your medical, immunization, and dental records for the examination.

8. You have been scheduled for a Transition Assistance Program (TAP) briefing. You must report to the Family Support Center, Bldg 1249, 1561 Stewart Street, on ~~30~~ Oct 02 at 0900 hours for an appointment with Ms. Ozuna.

9. 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 at the Commander's Support Staff.



SD-1
Commander

Attachment:

1. AF Form 3070 dated 15 Oct 02