

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE AB	AFSN/SSAN ████████████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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YES	No	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
	X		

MEMBER SITTING	NOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A01.13 A94.39 A01.43 A01.25 A92.39	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 DATE 03 Feb 2004	CASE NUMBER FD-2003-00441	
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APPLICANT'S ISSUE AND THE BOARD'S DECISION ARE SUBJECTS OF 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]

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00441

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 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 the applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issue 1. Applicant was discharged for drug abuse, namely methylenedioxyamphetamine, "ecstasy." She contends she was unjustly accused and there was no solid supporting evidence about her alleged offense. The records indicated the applicant received a Letter of Reprimand for this misconduct, which was the sole basis for her discharge. The records revealed that applicant attended a party at which ecstasy was used. Eight other people at the party received positive urinalyses for the use of ecstasy, and six of those confessed to the use of ecstasy. At least six of those personnel were court-martialed for their offenses. At the time of the party, when the Security Forces arrived, they told applicant to wait in particular room for questioning; witnesses among the party-goers later disclosed applicant had also been at the party, but departed the scene contrary to the Security Forces instructions, and thus avoided questioning and a urinalysis. Her involvement was not disclosed until the subsequent court-martials of the other party-goers. There were at least two witness statements against member, the strongest of which came from another airman at the party who had not partook of the ecstasy but had witnessed the party-goers behavior, including that of applicant. They were inhaling vapor rub, hugging and rubbing each other, and wearing masks with vapor rub on them. The next day, applicant asked for and was given two pacifiers to chew on due to jaw pain, and she stated "Thursday night felt good" and she wanted to "do it again that night." This behavior is consistent with the use of ecstasy, and satisfies the threshold of a preponderance of the evidence that applicant used ecstasy. The Board thus found no merit in applicant's issues. At the time of the discharge, the Air Force's drug policy was well publicized and members were continually made aware that illegal drug use was not tolerated. Ecstasy use is viewed as a very serious failure to meet Air Force standards. Because drug abuse is not compatible with Air Force standards, the characterization of service applicant received is warranted.

The Board further noted that applicant's records disclosed several other incidents of misconduct documented by four Records of Individual Counseling, a Letter of Counseling, and another Letter of Reprimand. These infractions included two instances of failure to go, failing to perform assigned duties, sending sexually explicit e-mail to another airman over a government computer, and lying to a noncommissioned officer. While these offenses were not used as a basis for discharge, they were properly considered on the question of whether or not applicant should be discharged, and the characterization of her service. Additionally, the last of her two Enlisted Performance Reports was rated an overall referral "2" and disclosed applicant had failed to maintain weight standards, had dress and appearance problems, and lacked integrity, motivation, and a sense of personal responsibility for her actions. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change her repetitive negative behavior. The Board further concluded these disciplinary infractions were a significant departure from the conduct expected of all military members.

Issue 2. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, she signed a statement (DD Form 2366) on July 12, 2001, that she understood she must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that warrants an 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 this 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 as well as any 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 18 Apr 03 UP AFI 36-3208, para 5.54 (Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 Aug 80. Enlmt Age: 19 5/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-63, E-46, G-42, M-40. PAFSC: 2S051 - Supply Management. DAS: 2 Jun 00.

b. Prior Sv: (1) AFRes 2 Feb 00 - 2 Feb 00 (1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 3 Feb 00 for 4 yrs. Svd: 3 Yrs 2 Mo 15 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: RIC, 25 NOV 02 - Failure to go.
LOR, 25 NOV 02 - Drug abuse.
LOR, 25 NOV 02 - Wrongful use of government computer.
RIC, 16 OCT 02 - Failure to clean dorm room.
RIC, 12 JUN 01 - Failure to perform assigned duties.
LOC, 15 AUG 01 - Lying.
RIC, 14 AUG 01 - Failure to go.

f. CM: None.

g. Record of SV: 3 Feb 00 - 2 Oct 01 Barksdale AFB 3 (Initial)

(Discharged from Barksdale AFB)

h. Awards & Decs: AFAM, AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (16) Das
TAMS: (3) Yrs (2) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Nov 03.
(Change Discharge to Honorable)

Issue 1: I believe I was unjustly accused of drug abuse. This allegation

was falsely made and has no solid supporting evidence. The alleged abuse took place in August 2001 and I was not charged until Oct 2002. Please review my file and reconsider my discharge status. I urgently need assistance with my school tuition as I am currently enrolled in pre(sic)nursing program at Ga (sic) Military College. I believe I am entitled to my Montgomery Bill benefits. I did not want to be seperated (sic) from my duties and actions status in the air force (sic) but feel I have been unfairly accused and forced into an administrative discharge. Any assistance this board can provide concerning this matter is greatly appreciated.

ATCH

None.

3DEC03/ia



DEPARTMENT OF THE AIR FORCE

**HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE BASE, LA**

1 Apr 03

MEMORANDUM FOR A1C [REDACTED]

FROM: 2 LRS/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 AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.54. If your discharge 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 that on one or more occasions between on or about 28 Jun 01 and on or about 29 Jun 01, you wrongfully used methylenedioxyamphetamine (MDMA), as evidenced by witnesses at a party you attended. For this action you received a letter of reprimand. In addition, an Unfavorable Information File was established.
3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial 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 special pay, bonus, or education assistance funds may be subject to recoupment.
4. 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], Area Defense Counsel, Building 4714, third floor, phone number 456-8355 at 0900 hours on 2 April 2003. You may consult civilian counsel at your own expense.
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 1000 hours on 4 Apr 2003 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 statements 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 the 2d Medical Group, Physical Exam Section at 0915/1000 hours on 7 April 2003 and an additional examination will be scheduled if necessary.

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



Lt Col, USAF
Commander, 2d Logistics Readiness Squadron

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum