

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE GEN	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE	RECORD REVIEW
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COUNSEL	<input checked="" type="checkbox"/>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	<input checked="" type="checkbox"/>		

MEMBER SITTING	VOICE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.53	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 17 Nov 2004	CASE NUMBER FD-2003-00553	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Randolph AFB, TX, via video-teleconference with Andrews AFB, MD.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR

INDORSEMENT	DATE 11/22/2004
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, 3RD FLOOR ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00553

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

The applicant appeared without counsel and testified before the Discharge Review Board (DRB) at Randolph AFB, TX, via video-teleconference with Andrews AFB, MD, on November 17, 2004. Her mother [REDACTED] also testified.

The following additional exhibits were submitted at the hearing:

- Exhibit 5: E-mails from [REDACTED] and [REDACTED] dated September 23-24, 2004.
- Exhibit 6: Letter from [REDACTED], Vice President of Nursing at Sparks Regional Medical Center, dated September 28, 2004
- Exhibit 7: Letter from [REDACTED] Vice President of Nursing at Sparks Regional Medical Center, dated October 11, 2004
- Exhibit 8: [REDACTED] Regional Medical Center Patient Survey, Undated.
- Exhibit 9: Arkansas Tech University Transcript dated December 22, 2003
- Exhibit 10: Arkansas Tech University EMT Certificate dated December 18, 2003

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge, change of reason and authority for 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 inequity or impropriety that would justify a change of discharge, change of reason and authority for discharge, or change of reenlistment code.

ISSUE: The applicant received a general discharge for misconduct (drug abuse) and testified that although she was told that her discharge was for misconduct and assumed it would be for drug abuse, she was never specifically told it would be for drug abuse, that she was overwhelmed and didn't realize the ramifications, and that she misses and would like to reenter the military. The Board noted that the applicant's testimony and records reveal that she disclosed in a sworn statement to the Ft. Huachuca Crime Investigation Division that she had used the hallucinogens MDMA (Ecstasy) and LSD. Her records also reveal that she waived her right to consult counsel and did not challenge the decision or characterization of her discharge in her response to her commander's notification of discharge recommendation. The Board concluded the misconduct was a significant departure from conduct expected of all military members, that no inequity or impropriety in her discharge was suggested or found in the course of the hearing, and that the discharge was appropriate for the reasons which were the basis for this case.

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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 Apr 02 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 20 Oct 82. Enlmt Age: 18 3/12. Disch Age: 19 6/12. Educ: HS DIPL. AFQT: N/A. A-77, E-78, G-68, M-65. PAFSC: 1N211 - Signal Intel Production. DAS: 30 Jul 01.

b. Prior Sv: (1) AFRes 10 Feb 01 - 12 Jun 01 (4 months 3 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Jun 01 for 6 yrs. Svd: 0 Yrs 10 Mo 12 Das, all AMS.

b. Grade Status: A1C - 27 Jul 01

c. -Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Davis-Monthan AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (2) Mos (14) Das
TAMS: (0) Yrs (10) Mos (12) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Dec 03.

(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

Issue 1: I believe that the narrative reason for seperation (sic) was unjustly (sic) given to me. I was mistaken when the reason was given to me. I want a chance to defend this reason and possibly get it changed so that I can re-enlist in the military.

ATCH

1. DD Form 214.
2. Notification Memorandum.
3. Drugs Tested Results.
4. Email Correspondence.
5. U.S. Army Criminal Investigation Report.

9JAN04/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2003-00553

27 MAR 02

MEMORANDUM FOR [REDACTED]

FROM: 314 TRS/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 AFD 36-32 and AFI 36-3208, paragraph 5.54. 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 on or about 27 Dec 01 and 12 Jan 02, you admitted to your wrongful use and possession of the controlled substances, LSD and Ecstasy. You acknowledged this in your statement given [REDACTED] on 14 Jan 02, and it is documented in your signed, sworn statement dated 14 Jan 02.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are 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 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 [REDACTED] from Good Fellow ^{AFB} Area Defense Counsel. 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 19 Mar 02 at 1100 hours 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 Physical Exams Section of the clinic on 28 MAR 02 at 1200 hrs 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.



Attachments:

1. Sworn Statement, dated 14 Jan 02