

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE A1C	AFSN/SSAN ████████████████████
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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 A95.00 A01.00	INDEX NUMBER A67.10 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 10 Mar 2004	CASE NUMBER FD-2004-00001	
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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 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

INDORSEMENT		DATE: 3/10/2004
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, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00001

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received three Letters of Reprimand and one Record of Individual Counseling. The misconduct included drug abuse, violation of base housing policy, disrespect to a noncommissioned officer, and failure to obey a lawful order. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 6 Jan 00 UP AFI 36-3208, para 5.49 & 5.54 (Misconduct - Minor Disciplinary Infractions & Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 5 Sep 76. Enlmt Age: 21 4/12. Disch Age: 23 4/12. Educ: HS DIPL. AFQT: N/A. A-80, E-33, G-55, M-18. PAFSC: 3S031 - Personnel Apprentice. DAS: 12 Sep 98.

b. Prior Sv: (1) AFRes 6 Jan 98 - 12 May 98 (4 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 May 98 for 4 yrs. Svd: 1 Yrs 7 Mo 25 Das, all AMS.

b. Grade Status: A1C - 13 Sep 99
Amn - 13 Nov 98

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 02 DEC 99 - Drug abuse.
RIC, 29 OCT 99 - Violation of Base Housing Policy.
LOR, 01 NOV 99 - Disrespect to an NCO.
LOR, 03 FEB 99 - Failure to obey a lawful order.

f. CM: None.

g. Record of SV: None.

(Discharged from Travis AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (0) Mos (1) Das
TAMS: (1) Yrs (7) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Dec 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

FD2004-00001

ATCH

1. DD Form 149.

22JAN04/ia



DEPARTMENT OF THE AIR FORCE
60TH COMMUNICATIONS SQUADRON (AMC)

3 DEC 1999

MEMORANDUM FOR A1C [REDACTED] 60 CS

FROM: 60 CS/CC
581 Waldron Street
Travis AFB CA 94535-2350

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions and Drug Abuse, according to AFI 36-3208, paragraphs 5.49 and 5.54. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions discharge. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 28 Jan 99, you were directed to read two achievement medals during an awards ceremony by SSgt [REDACTED]. You told him that you were not going to read the achievement medals. At that time, he asked you once again if you were certain that this was what you wanted to do and you replied once more that you were not going to do it. For your actions, you received a letter of reprimand (LOR) on 3 Feb 99 (Atch 1, Tab 1).

b. On or about 20 Oct 99, you were directed to report to the Military Personnel Flight (MPF) to retrieve six personnel records by SSgt [REDACTED]. You replied by saying, "why do I have to go? You stated you already made the run for the day and would only make one distribution run per day. You also stated you did not care to take your own car. SSgt [REDACTED] instructed you to take the squadron vehicle, but it was not available. At that time, he directed you to walk to MPF and return no later than 1500 hours. You then stated, in front of another junior ranking airman, "I'm not going to go to Bldg. 381!"

c. On or about 20 Oct 99, I was informed that TSgt [REDACTED] of the 60 MSS Airman Leadership School witnessed you entering the Base Shoppette wearing battle dress uniform (BDU) pants, black military boots, and a black T-shirt. When TSgt [REDACTED] told you to put on your BDU blouse and hat, you responded with a disrespectful attitude by saying, "My nails are wet and I can't button up my shirt." He told you again to put on your BDU blouse and hat and again you replied with the same statement. Then he asked for your ID card and you replied by saying your nails were wet and he could take your ID card out of your purse if he wanted to. It was not until TSgt [REDACTED] displayed his military ID card that you decided to take out your ID card. For your actions in paragraphs 2b and 2c, you received a LOR on 1 Nov 99, which was placed in your UIF on 4 Nov 99. You were also placed on a control roster (Atch 2, Tab 1).

d. On or about 28 Oct 99, it was discovered you were residing in base housing without your dependent daughter for over a 30 day period. SMSgt [REDACTED] the acting First Sergeant asked if you were going to bring her back from Ohio to reside with you in base housing. You stated you would eventually bring her back to California but do not know the exact date. SMSgt [REDACTED] informed you that in order to maintain your on-base housing your dependent is not supposed to be out of the home for more than 30 days. Your daughter had already been in Ohio for over 30 days. SMSgt [REDACTED] told you to either bring your daughter back to reside with you in base housing by 30 Nov 99 or move off base by that date, as evidenced by a record of individual counseling (RIC) on 29 Oct 99 (Atch 3, Tab 1).

e. On or about 4 Nov 99, you entered SSgt [REDACTED] office to inquire about separating from the Air Force. Your topics ranged from Family Advocacy appointments to hardship discharge, which you were considering applying for. SSgt [REDACTED] told you that you would have a better chance in separating if your physician would provide a letter recommending your separation. You were receptive to SSgt [REDACTED] suggestions. Meanwhile, you discussed the stress associated with your family separation and what you did during your free time. At that time you informed SSgt [REDACTED] that you were using marijuana as a stress reliever and you used marijuana recently and on several occasions. Under Article 31 rights advisement, you provided a verbal statement to Security Forces admitting to using marijuana 10 to 15 times since entering in the military, the most recent was on 16 Oct 99, while on leave. You also stated that while on leave, you used marijuana twice each day between 9 Oct 99 and 16 Oct 99, and the last time prior to 9 Oct 99 was in August 1999, as evidenced by AF Form 3545 within the Incident Report I-9911-29, dated 4 Nov 99. Since there was no corroboration of your admission of drug I was unable to take UCMJ action. Because I am satisfied that you did abuse drugs, you received a LOR on 2 Dec 99, which was placed in your existing UIF on 3 Dec 99 (Atch 4, Tab 1).

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 **Captain [REDACTED] Area Defense Counsel, 540 Airlift Drive, Bldg. 381, Suite D-100, Travis AFB, California, 94535-2479, DSN [REDACTED] commercial, [REDACTED], on 14 Dec 99 at 1000.** You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me by (three workdays from service of this letter) 16 DEC 1999, no later than 1200 hours unless you request and receive an extension for good cause. I will send any documents you submit 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 were scheduled for a separation physical examination on 8 Dec 99.
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 orderly room.
9. Execute the attached acknowledgment and return it to me immediately.



Captain, USAF

Commander

Attachments:

1. LOR, 3 Feb 99
2. LOR, 1 Nov 99; AF Form 1058, 4 Nov 99
3. RIC, 29 Oct 99
4. LOR, 2 Dec 99 w/Atchs; AF Form 1058, 3 Dec 99