



**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00234**

**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.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. She states that the reason she misbehaved was because of the stress from the military. The records indicated the applicant received an Article 15 for wrongfully using drugs, assault, and for stealing money from a fellow airman. She also received a Letter of Reprimand and two Letters of Counseling for misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

**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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr Tinker AFB, OK on 25 Oct 02 UP AFI 36-3208, para 5.54 & 5.49 (Misconduct - Drug Abuse & Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 31 Oct 82. Enlmt Age: 18 7/12. Disch Age: 19 11/12. Educ: HS DIPL. AFQT: N/A. A-37, E-38, G-33, M-28. PAFSC: 1T131 - Aircrew Life Support. DAS: 6 Nov 01.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Jun 01 for 6 yrs. Svd: 1 Yrs 4 Mo 20 Das, all AMS.

b. Grade Status: AB - 13 Sep 02 (Article 15, 13 Sep 02)  
A1C - 02 Oct 01

c. Time Lost: None.

d. Art 15's: (1) 13 Sep 02, Tinker AFB, OK - Article 112a. You, did, at or near Midwest City, Ok, on or about 8 Apr 02, wrongfully use methylenedioxy-methamphetamine (ecstasy), a schedule I controlled substance. Article 128. You, did, on or about 21 Jun 02, unlawfully push and strike Airman [REDACTED] on her body with your hands and fists. Article 121. You, did, at or near Midwest City, OK, on divers occasions between on or about 27 Mar 02 and on or about 7 Apr 02, wrongfully appropriate currency of a value of \$654.38, the property of [REDACTED] [REDACTED] Reduction to AB, and 60 days restriction. (No appeal) (No mitigation)

e. Additional: LOR, 03 MAY 02 - Leaving work without authority, and disrespect towards a SrA.  
LOC, 28 MAR 02 - Uniform violation.  
RIC, 30 NOV 01 - Late for work.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFOUA.

i. Stmt of Sv: TMS: (1) Yrs (4) Mos (20) Das  
TAMS: (1) Yrs (4) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Jun 04.  
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because the reason I miss behaved (sic) was because of stress from the military. I know that I made certain mistakes, but the military did also. My back has a permant (sic) scar because of a doctor who gave me a cortazone (sic) shot. I now have back problems and can not do heavy lifting. So if I could not have a medical & get help paying my doctors bills for once a month then all I'm asking is to change my discharge so I can go to school to be a lawyer.

**ATCH**

1. None.

29JUL04/ia



FD 2004-234

DEPARTMENT OF THE AIR FORCE  
960<sup>TH</sup> AIRBORNE AIR CONTROL SQUADRON (ACC)  
TINKER AIR FORCE BASE OKLAHOMA

7 October 2002

MEMORANDUM FOR AB [REDACTED] 960 AACS

FROM: 960 AACS/CC

SUBJECT: Notification Letter - Board Hearing

1. I am recommending your discharge from the United States Air Force for Misconduct according to AFPD 36-32 and AFI 36-3208, under the provisions of paragraphs 5.54, Drug Abuse, and paragraph 5.49, Minor Disciplinary Infractions. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this discharge action are:

a. On 29 Nov 01, you reported for duty one hour and forty-five minutes late. As a result, you received a Record of Individual Counseling (RIC), dated 30 Nov 01. See Atch 1.

b. On 28 Mar 02, you violated a lawful general order by wearing the incorrect belt with your battle dress uniform. You had previously been counseled on this subject on numerous occasions. As a result, you received a Letter of Counseling (LOC), dated 28 Mar 02. See Atch 2.

c. On 2 May 02, you failed to obey an order or instruction and left work in the middle of completing a mission essential task. You also disrespected a senior airman by giving that person "the finger" and saying some derogatory words. As a result, you received a Letter of Reprimand (LOR), dated 3 May 02. See Atch 3.

d. On or about 8 Apr 02, at or near Midwest City OK, you wrongfully used methylenedioxy-methamphetamine (ecstasy), a Schedule I controlled substance. On or about 21 Jun 02, at or near Tinker AFB OK, you unlawfully pushed and struck [REDACTED] on her body with your hands and fists. On divers occasions on or about 27 Mar 02 and on or about 7 Apr 02, you wrongfully appropriated currency of a value of \$654.38, the property of [REDACTED]. As a result, you received an Article 15, dated 13 Sep 02. Punishment was reduction to the grade of airman basic, effective 13 Sep 02, and restriction to the limits of Tinker AFB OK for 60 days. See Atch 4.

3. This action could result in your separation with an Under Other Than Honorable Conditions discharge. I am recommending that you receive an Under Other Than Honorable Conditions discharge. If you are discharged, you will be ineligible for

reenlistment in the Air Force and probably will be denied enlistment in any component of the armed forces..

4. You have the right to:


- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You are scheduled for a medical examination on 4 October 2002, on a walk-in basis between the hours of 0900 and 1100. You should report, in uniform to the Flight Medicine Clinic at the Tinker AFB Hospital on that date and time for the examination.


6. Military legal counsel, [REDACTED] Bldg One, Tinker AFB, OK, telephone [REDACTED] has been obtained to assist you. You may consult him on 9 October 2002 at 0900 hours, at Bldg One. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within seven workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing. 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.

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

  
Commander, 960 AACS

Attachments:

1. RIC, dtd 30 Nov 01
2. LOC, dtd 28 Mar 02
3. LOR, dtd 3 May 02
4. Art 15, dtd 13 Sep 02
5.  Recommendation Ltr