

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>		GRADE <b>AB</b>	AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px;"></div>								
TYPE GEN	PERSONAL APPEARANCE	<b>X</b>	RECORD REVIEW								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> <td rowspan="3" style="width: 50%; vertical-align: top;">NAME OF COUNSEL AND OR ORGANIZATION</td> <td rowspan="3" style="width: 50%; vertical-align: top;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> <tr> <td style="width: 10%; text-align: center;">YES</td> <td style="width: 10%; text-align: center;">No</td> </tr> <tr> <td></td> <td style="text-align: center;"><b>X</b></td> </tr> </table>		COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	No		<b>X</b>		
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YES	No										
	<b>X</b>										
MEMBER SITTING		VOTE OF THE BOARD									
		HON	GEN								
		UOTHC	OTHER								
			DENY								
			<b>X</b>								
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ISSUES <b>A94.05</b>	INDEX NUMBER <b>A66.00</b>	EXHIBITS SUBMITTED TO THE BOARD									
		<b>1</b>	ORDER APPOINTING THE BOARD								
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE								
		<b>3</b>	LETTER OF NOTIFICATION								
		<b>4</b>	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 <b>17 Dec 2004</b>	CASE NUMBER <b>FD-2004-00383</b>										
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE											
<p>Case heard at Washington, D.C.</p> <p>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.</p>											
INDORSEMENT											
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									
		DATE: 12/17/2004									

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00383**

**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:**

Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for misconduct. The misconduct included wrongfully using marijuana on two separate occasions. The Board noted that the applicant signed a statement (Air Force Form 2030, USAF Drug and Alcohol Abuse Certificate, dated Jan 16, 2003) that she understood that drug or alcohol abuse was not compatible with the Air Force and would not be tolerated. It also stated that she might be disciplined and possibly discharged for drug or alcohol offenses. 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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Luke AFB, AZ on 26 Mar 04 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Sep 82. Enlmt Age: 20 3/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-79, E-55, G-59, M-45. PAFSC: 3V032 - Still Photographic Apprentice. DAS: 17 Nov 03.

b. Prior Sv: (1) AFRes 16 Jan 03 - 14 Apr 03 (3 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Apr 03 for 4 yrs. Svd: 0 Yrs 11 Mo 12 Das, all AMS.

b. Grade Status: AB - 1 Mar 04 (Article 15, 1 Mar 04)  
Amn - 15 Oct 03

c. Time Lost: None.

d. Art 15's: (1) 1 Mar 04, Luke AFB, AZ - Article 112a. You, did, within the continental United States, between on or about 1 Dec 03, wrongfully use marijuana. Reduction to AB, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (2) Mos (11) Das  
TAMS: (0) Yrs (11) Mos (2) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Sep 04.  
(Change Discharge to Honorable)

Issue 1: I would like an upgrade for an honorable discharge. I feel that being kicked out of the USAF is punishment enough. It is hard to find a decent job.

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ATCH  
None.

1DEC04/ia



FD2004-00383

**DEPARTMENT OF THE AIR FORCE**  
56TH COMMUNICATIONS SQUADRON  
LUKE AFB, ARIZONA 85309

MEMORANDUM FOR [REDACTED]

10 Mar 04

FROM: 56 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Drug Abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. Between on or about 1 Nov 03 and on or about 1 Dec 03, you wrongfully used marijuana. For this drug abuse, you received an Article 15, dated 1 Mar 04. Your punishment included reduction in grade to E-1 and a reprimand. An Unfavorable Information File (UIF) was established.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the United States 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

3. 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] on 11 Mar 04, at 0830 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1400 16 Mar 04 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

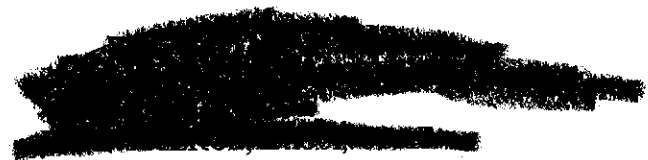
5. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a medical examination. You must report to 56th Medical Group

Hospital, 7219 N. Litchfield Rd. on 11 Mar 04, at 0730 hours for the examination.

7. 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 unit's orderly room.

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

A large, dark, irregular blacked-out area representing a redacted signature.

Commander

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum