

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN
		SGT	

TYPE UOTH	X	PERSONAL APPEARANCE	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	A93.09	INDEX NUMBER	A70.00	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	CASE NUMBER
17 Nov 2005	FD-2004-00473

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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 and the right to submit an application to the AFBCMR

Names and votes will be made available to the applicant at the applicant's request.

SI  
~  
T

INDORSEMENT		DATE: 11/21/2005
TO:	FROM:	
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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-2004-00473**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 17 Nov 2005.

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, as she states it, "I was forced to be discharged Under Other Than Honorable Conditions due to lieu of Court Martial", and, as another issue, she states that she obtained the HIV Virus and had been sexually abused more than once and believes she deserves compensation for the facts. The records pertaining to the applicant's discharge are missing from the records. However, the records which are available do reflect the applicant was discharged at her own request in lieu of a trial by court martial for using illegal drugs to include amphetamine, cocaine, heroin, LSD, methamphetamine, opium, phencyclidine, and secobarbital, even though the applicant denied during her testimony to the Board that she had ever used any of these drugs. Since the discharge documents are unavailable and lacking any evidence to the contrary from the applicant, the Board relied on the presumption of regularity and found the discharge and characterization of service proper. The applicant's issue about being forced to be discharged is without merit as the member chose this route instead of proceeding to a court martial. In regards to the issue of being sexually abused and obtained the HIV virus, the Board recognized the member had personal and medical problems which may have created stress in her life; however, this does not explain or excuse her apparent illegal use of drugs. 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

FD2004-00473A

[REDACTED] (Former SGT) (HGH SGT) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a UOTHC Dish fr Myrtle Beach AFB, SC on 30 Mar 90 UP AFR 39-10, Chapter 4 (Discharge In Lieu of Court Martial). Appeals for Honorable Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 29 May 97.

b. The AFDRB reviewed case on 30 Nov 99 (non-appearance w/counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 19 Nov 04.(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

Atch

1. Applicant's Issues.
2. Medical Narrative Summary
3. DD Form 214.
4. Three Character References.
5. Two Training Certificates.
6. State of New York Criminal Record.
7. State of North Carolina Criminal Record.
8. DD Form 149.

8FEB05/ia

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

[REDACTED]  
(Former SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF 90/03/30 UP AFR 39-10 (Disch in Lieu of Court Martial). Appeals for HON Disch.

2. **BACKGROUND:**

a. DOB: 65/06/25. Enlmt Age: 18 6/12. Disch Age: 24 9/12. Educ: HS  
DIPL. AFQT: Unkwn M-Unkwn, A-Unkwn, G-Unkwn, E-Unkwn. PAFSC: 64550 -  
Inventory Management Specialist. DAS: Ex.Note: DD 214 seems to indicate a/o  
10/84.

b. Prior Sv: 1. AFRes 84/01/11 - 84/07/30 (6 mos 19 days)  
(Inactive). 2. Enld as AB 84/07/30 for 4 years. Svd: 3 years 7 months 2  
days. AMN - 85/01/30. A1C - 85/09/30. SRA - 87/07/30. Ex.Note: APR  
indicates Sgt 88/03/23-89/03/02. APRs 7,8,8,9.

3. **SERVICE UNDER REVIEW:**

a. Enld as: Sgt for (6) Yrs. Svd: 2 Yrs 0 Mo 27 Das,  
all AMS.

b. Grade Status: n/a.

c. Time Lost: none.

d. Art 15's: (none.)

e. CM: None. Discharge in lieu of. Charges preferred UP 112-ZA  
are use of amphetamine, cocaine, heroin, lysergic acid diethylamide,  
methamphetamine, opium, phencyclidine, secobarbital, or schedule I, II, or  
III controlled substance.

f. Record of SV: 88/03/23 89/03/22 Myrtle Beach AFB 9 (Annual)  
89/03/23 89/10/02 Myrtle Beach AFB 3 (CRO)  
(Disch fr Myrtle Beach AFB)

g. Awards & Decs: AFTR, AFLSAR, AFGCM, AFOUA.

h. Stmt of Sv: TMS: (6) Yrs (2) Mos (19) Das  
TAMS: (5) Yrs (8) Mos (1) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 97/01/09.  
(Change Discharge to Honorable)

Issue 1: I was forced to be discharged Under Other Than Honorable Conditions, due to lieu of Court Martial. I am requesting that this be upgraded to an Honorable or at least a General, because I have served the government more faithfully than most during my enlistment.

Issue 2: I obtained the HIV Virus and have been sexually abused (more than once). My medical records can account for this! I am an honorable Christian citizen of the United States, and deserve compensation for the facts.

FD-97-00281

97/05/29/ia

ATCHS

1. DD Form 214.