

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	NAME OF COUNSEL AND OR ORGANIZATION		
No			
X			

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

ISSUES	A94.05	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	CASE NUMBER	
26 Apr 2005	FD-2005-00013	

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

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



INDORSEMENT		DATE: 4/26/2005
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

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

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, 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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received a Letter of Reprimand for wrongfully using marijuana and for obtaining funds from the Air Force Aid Society under false pretenses. The DRB opined that 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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Elmendorf AFB, AK on 6 Jan 98 UP AFI 36-3208, para 5.54 (Pattern of Misconduct - Drug Abuse). Appeals for Honorable Discharge, and to Change the RE code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 6 Feb 77. Enlmt Age: 18 5/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-43, E-49, G-53, M-13. PAFSC: 4C031 - Mental Health Service Apprentice. DAS: 13 Sep 97.

b. Prior Sv: (1) AFRes 18 Jul 95 - 19 Mar 96 (8 months 2 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 20 Mar 96 for 4 years. Extended 2 Jun 97 for 18 months. Svd: 01 Yrs 09 Mo 18 Das, all AMS.

b. Grade Status: A1C - 20 Jul 97
Amn - 20 Sep 96

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 10 NOV 97 - Wrongfully use marijuana and obtain funds from AF Aid Society under false pretenses.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (05) Mos (19) Das
TAMS: (01) Yrs (09) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Jan 05.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge.)

Issue 1: ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. AF Aid Society Letter.
3. Outprocessing Checklist.
4. Memo for Record.
5. Unfavorable Information File Summary.
6. Four Certificates of Accomplishment.
7. Undergraduate Academic Records.
8. Certificate of Achievement.
9. Applicant's Documents List.
10. Copy of MPRF.

23FEB05/day

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and social security number on each document.)

- a. Will not be submitted. Please complete review based on available service records. FD 2005-00013
- b. Will be submitted within 60 days.
- c. Will be submitted within _____ days.
- d. Are listed below and are attached to this application: (Continue on a plain sheet of paper if more space is needed.)

- (1) DOCUMENT 1: AIR FORCE Aid Society TRANSACTIONS Acct. Fr.
- (2) DOCUMENT 2: Copy from Record of ~~awards~~ Family Support Center Reason for payouts
- (3) DOCUMENT 3: Copy from Record, The only TRUE statement that was given ^{completely} on my behalf.

8. ISSUES. The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board also will review the case to determine whether there are any issues which provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Read the instructions carefully that pertain to block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

ISSUE 1: My undesirable discharge was improper because, during my 21 mos. of service, I completed Rehabilitative Counseling and maintained a good work ethics and professionalism. I am NOT a drug user. My drug test was negative but I do admit I ^{completely} did experiment with drugs because of the ^{circumst} ~~circumstances~~.

ISSUE 2: My undesirable discharge was improper because during my 21 mos. of service, I obtained a loan from the Air Force Aid Society on 11/12/97, in order to Refund the money for the ticket which American Red Cross purchased for myself During Sept 97.

ISSUE 3: My undesirable discharge was improper because when I told everyone the truth, additional untrue statements were added to make sure I am discharged out of the military.

ISSUE 4: My undesirable discharge was improper, when I tried to sign up for another branch of service I was denied and I don't understand why.

- a. Mark this block if you have listed additional issues as an attachment to this application.
- b. I previously submitted an application on (Enter date) and I am completing this form in order to submit additional issues.
- c. The above issues supersede all previously submitted.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides a penalty as follows: A maximum fine of \$10,000 or maximum imprisonment of 5 years, or both)

a. DATE (Year, Month, Day)

b. SIGNATURE

05 JAN 03

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
CO, USARCPAC 9700 Page Blvd St. Louis, MO 63132-5200	NAVAL Discharge Review 801 No. Randolph St. Arlington, VA 22203-1991	AFMPC/MPCDOA1 Randolph AFB, TX 78150-6001	Commandant (G-PE-1) U.S. Coast Guard Headq Washington, DC 20593-0001

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

MEMORANDUM FOR 3 MDOS/CCQ (AIC [REDACTED])

NOV 25 1997

FROM: 3 MDOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct based on 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 honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action are:

On or about Sep 97, you did wrongfully use marijuana, as evidenced by a Letter of Reprimand (LOR), dated 10 Nov 97, a Memorandum for Record (MFR), dated 17 Sep 97, two MFRs, dated 16 Sep 97, and an Unfavorable Information File (UIF) entry, dated 14 Nov 97.

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 are 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 legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [REDACTED] 552 [REDACTED] at Bldg 6-920, Rm 330 on 26 Nov 97 at 0900. 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 within three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide 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 medical examinations. You must report to the 3rd Aerospace Medicine Squadron, Bldg 24-850 at 0715 on 4 Dec 97 with your medical records and to the Family Practice Clinic at 1400 on 4 Dec 97. You are to fast

(drink water only) for 14 hours, refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.

8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 1445 W/ Ron on 28 Nov 97. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 2-900 (People Center), Rm 247 at 1400 on 26 Nov 97. You must be in uniform for all appointments.

9. 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 your Squadron Orderly Room.

10. The discharge authority will make the findings and recommendations required under 10 U.S.C. 2005(g).


Colonel, USAF, MC, FS
Commander

Attachment:
LOR, 10 Nov 97