

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

ITIAL)

TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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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	A94.53 A93.17	INDEX NUMBER	A67.70	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	18 Aug 2005	CASE NUMBER	FD-2005-00068	

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.

SIGNATURE OF RECORDER

SIGNATURE OF BOARD PRESIDENT

INDORSEMENT

DATE: 8/19/2005

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-2005-00068

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 the investigation leading to her discharge was based on rumors and wrongful information. The records indicated the applicant received two Article 15s, a Letter of Reprimand, and a Record of Individual Counseling. Her misconduct included late for work, two instances of underage drinking, impeding an official investigation, and wrongfully distributing Lortab, a Schedule II controlled substance. 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. If she can provide additional documented information to substantiate an issue, the applicant should consider exercising her right to make a personal appearance before the Board. If she should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community. 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 AB) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Vance AFB, OK on 21 Dec 04 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 31 Jul 84. Enlmt Age: 18 5/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-63, E-60, G-52, M-36. PAFSC: 4Y031 - Dental Apprentice. DAS: 7 Jun 03.

b. Prior Sv: None.

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 22 Jan 03 for 4 yrs. Svd: 1 Yrs 11 Mo 0 Das, all AMS.

b. Grade Status: AB - 22 Nov 04 (Article 15, 22 Nov 04)
Amn - 22 Sep 04 (Article 15, 22 Sep 04)
A1C - 22 May 04
Amn - 22 Jul 03

c. Time Lost: None.

d. Art 15's: (1) 22 Nov 04, Vance AFB, OK - Article 112a. You did, between on or about 19 Aug 04 and on or about 20 Oct 04, wrongfully distribute one half(1/2) tablet of Lortab(hydrocodone), a Schedule II controlled substance. Reduction to AB. Restriction for 30 days, and a reprimand. (No appeal) (No mitigation)

(2) 22 Sep 04, Vance AFB, OK - Article 92. You, who knew of your duties, at or near Oklahoma City, OK, on or about 28 August 04, were derelict in the performance of those duties in that you willfully failed to refrain from possessing and consuming alcoholic beverages, while being under twenty one years of age, as it was your duty to do. Article 134. You did, on or about 30 Aug 04, wrongfully endeavor to impede an official investigation by conspiring with Amn [REDACTED] and [REDACTED] to provide false statements that you and [REDACTED] did not consume alcohol on the night of 28 Aug 04. Reduction to the grade of Airman. Suspended forfeiture of \$150.00 pay per month for 2 months. Restriction for 30 days, and a reprimand.

(No appeal) (No mitigation)

- e. Additional: LOR, 26 MAY 04 - Underage drinking.
RIC, 15 JAN 04 - Late for work.
- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR, NDSM, AFOUA.
- i. Stmt of Sv: TMS: (1) Yrs (11) Mos (0) Das
TAMS: (1) Yrs (11) Mos (0) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 26 Jan 05.
(Change Discharge to Honorable)

Issue 1: I feel as though I was set up and the whole investigation was based on rumors and wrongful information.

ATCH

1. Report of Investigation.
2. Article 15 Response.
3. Confidential Patient Information, Prescription Profile.

28APR04/ia



FD 2005-00068

DEPARTMENT OF THE AIR FORCE
71ST MEDICAL OPERATIONS SQUADRON
VANCE AFB, OKLAHOMA 73705-5105

MEMORANDUM FOR AB [REDACTED]

FROM: 71 MDOS/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:

Between on or about 19 August 2004 and on or about 20 October 2004, you wrongfully distributed Lortab, a Schedule II controlled substance. For your actions, you were punished under Article 15, UCMJ on 22 November 2004.

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. 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 Captain [REDACTED] at McConnell AFB, KS, DSN: 743-4375 on 30 Nov 2004, at 1600 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 3 Dec 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 71 MDG, Bldg 810 on 2 DEC, at 1330 hours for the examination.

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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 Commander's Support Staff.

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



Lt Col, USAF, BSc

Commander

Attachments:

1. Supporting Documents
 - a. Article 15 dated 22 Nov 04
 - b. Article 15 dated 22 Sep 04
 - c. LOR dated 26 May 04
 - d. LOC dated 15 Jan 04
2. Receipt of Notification Memorandum