

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE AIC	AFSN/SSAN []
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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	UOHC	OTHER	DENY
[]					X
[]					X
[]					X
[]					X
[]					X

ISSUES A94.05	INDEX NUMBER A67.30	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 10 Aug 2006	CASE NUMBER FD-2005-00315	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in 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 []
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INDORSEMENT **DATE: 8/25/2006**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00315

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:

Although not explicitly stated, applicant contends discharge was inequitable because it was too harsh. Applicant contends she was on active duty for 32 months and never received a reprimand. The records indicated the applicant received an Article 15 for misconduct. The Article 15 was for wrongfully soliciting to possess marijuana by asking another person to purchase on her behalf. 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.

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 her 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.

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)

MISSING MILITARY PERSONNEL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Minot AFB, ND on 2 Jun 05 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Nov 83. Enlmt Age: 18 2/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-71, E-60, G-72, M-73. PAFSC: 3P051 - Security Forces Journeyman. DAS: 2 Feb 03.

b. Prior Sv: (1) AFRes 30 Jan 02 - 9 Sep 02 (7 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Sep 02 for 4 yrs. Svd: 02 Yrs 08 Mo 24 Das, all AMS.

b. Grade Status: A1C - 10 Jan 04
Amn - 10 Mar 03

c. Time Lost: None.

d. Art 15's: (1) 27 Jan 05, Minot AFB, ND - Article 134. You did, in the state of North Dakota, between on or about 10 Aug 04 to on or about 31 Aug 04, wrongfully solicit Specialist [redacted] to possess marijuana by asking Specialist Rau to purchase marijuana on your behalf. Suspended reduction to Airman. Thirty days extra duty (in excess of 15 days suspended). Reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: none.

f. Record of SV: (Following performance reports are missing).

10 Sep 02 - 09 May 04 Minot AFB 4 (Initial)
10 May 04 - 09 May 05 Minot AFB 2 (Annual)REF

h. Awards & Decs: AFTR, NDSM, GWOTSM, AFOUA.

i. Stmt of Sv: TMS: (03) Yrs (04) Mos (03) Das
TAMS: (02) Yrs (08) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01 Aug 05.
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because in my 32 months on active duty, I never received any type of reprimand. After reporting drug use, the person I reported accused me of drug use in retaliation. I was given an Article 15 for wrongful solicitation. I accepted the Article 15, maintaining my innocence, only to avoid a threatened court martial & continue my career. Four months later I was served with discharge papers. I fought the unjust discharge unsuccessfully. I was treated unfairly.

ATCH

1. Article 15, 27 Jan 05.
2. Discharge Documents.
3. Five Character References.
4. DD Form 214 (Member 1 & 4).

3NOV05/ia

FD2005-00315



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5th BOMB WING (ACC)
MINOT AIR FORCE BASE, NORTH DAKOTA

10 May 2005

MEMORANDUM FOR A1C [REDACTED], 5 SFS

FROM: 5 SFS/CC

SUBJECT: Letter of Notification - AFI 36-3208, Paragraph 5.52.3

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, commission of a serious offense. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, 14 Jul 93, and AFI 36-3208, *Administrative Separation of Airmen*, 9 Jul 04, Chapter 5, Section H, Paragraph 5.52.3. If my recommendation is approved, your discharge will be characterized as general or honorable. I am recommending your service be characterized as general.

2. My reason for this action: You did, in the state of North Dakota, between on or about 10 Aug 04 to on or about 31 Aug 04, wrongfully solicit Specialist: [REDACTED] to possess marijuana by asking Specialist: [REDACTED] to purchase marijuana on your behalf. You were punished under Article 15 of the UCMJ on 27 Jan 05. (Atch 1)

3. The Letter of Notification with attachments will be forwarded to the separation authority in support of this recommendation. The commander exercising Special Court Martial jurisdiction (5 BW/CC) or a higher authority will decide whether you will be 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.

4. 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 Capt: [REDACTED], Area Defense Counsel, at 300 Summit Drive, Room 306A, Wednesday, 11 May 2005 at 0930. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 1500 hours on 17 MAY 2005, unless you request and receive an extension for good cause shown. I will send any statements you provide to the separation authority.

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

7. You have been scheduled for a medical examination. You must report to the 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND, Monday, 23 May at 11:40 for the examination. You must not drink alcoholic beverages 72 hours prior to the exam.

Received Time Oct. 28. 1:37PM

8. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the Orderly Room.

9. Sign the attached acknowledgment and the Statement of Understanding and return them to me immediately.



Commander, 5th Security Forces Squadron

Attachments:

1. Receipt of Letter of Notification
2. Statement of Understanding
3. AF Form 3070, Record of Nonjudicial Punishment Proceedings, 28 Jan 05