

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE	GEN	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	A92.21 A93.01	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 HE

HEARING DATE	CASE NUMBER	
13 Nov 2006	FD-2005-00389	

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. via video-teleconference with Travis AFB, California.

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.

INDORSEMENT	DATE: 11/13/2006
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

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00389

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

The applicant appeared and testified without counsel before the Discharge Review Board (DRB) via video-conference with Travis AFB, California and Andrews AFB on 13 November 2006.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge and change of reason and authority for discharge, and change of reenlistment code are denied.

The Board finds the applicant submitted no issues contesting the propriety of the discharge, and after a thorough review of the record and listening to the applicant's testimony, the Board was unable to identify any issues of propriety or equity that would justify a change of discharge.

ISSUE:

Issue 1. Applicant requested a change of the reason for her discharge, a change of the service characterization and a change of the reenlistment code so that she could re-enter the military. She based this request upon her immaturity at the time of her service. The DRB recognized the applicant was only 17 years-old when she joined the Air Force and was 19 years-old when she was discharged. However, there is no evidence she was too immature to appreciate the possible consequences of her actions or did not know right from wrong. The Board noted that the vast majority of first-term members properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the egregious misconduct in which she engaged. Her drug use, repeated under age drinking and 7-day absence without leave warrant the Under Honorable Conditions (General) discharge she received.

Issue 2: The applicant also requested relief based upon her post-service activities. The DRB was pleased to see that the applicant was doing well, is engaged in public service and has a good job. However, no inequity or impropriety in her discharge was found in the course of the hearing. The Board concluded the applicant's misconduct during her term of service properly resulted in her discharge classification.

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 Vandenberg AFB, CA on 8 Feb 02 UP AFI 36-3208, para 5.50.2 & 5.54 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline & Drug Abuse). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 20 May 82. Enlmt Age: 17 0/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-87, E-43, G-50, M-25. PAFSC: 3P031 - Security Forces Apprentice. DAS: 25 Feb 00.

b. Prior Sv: (1) AFRes 15 Jun 99 - 21 Sep 99 (3 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 22 Sep 99 for 4 yrs. Svd: 02 Yrs 04 Mo 18 Das, of which AMS is 2 yrs 1 month 27 days (excludes 2 months 21 days lost time).

b. Grade Status: AB - 20 Sep 01 (SPCMO No.2, 26 Oct 01)
AMN - 18 May 01 (Vacation of Article 15, 26 Jun 01)
A1C - 5 Nov 99

c. Time Lost: 8 Jul 01 thru 16 Jul 01; 6 Sep 01 thru 19 Nov 01 (2 months 21 days).

d. Art 15's: (1) 26 Jun 01, Vacation, Vandenberg AFB, CA - Article 92. You, who knew or should have known of your duties, on or about 4 Jun 01, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol as a minor under the legal drinking age, as it was your duty to do. You, who knew or should have known of your duties, on or about 6 Jun 01, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcohol as a minor under the legal drinking age, as it was your duty to do. Reduction the Airman. (No appeal) (No mitigation)

(2) 18 May 01, Vandenberg AFB, CA - Article 92. You, who knew or should have known of your duties, on or about 4 May 01, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcohol as a minor under the legal drinking age, as it was your duty to do. Suspended reduction to Airman.

Forfeiture of \$250.00 pay per month for 2 months.
 Restriction to Vandenberg AFB, CA for 30 days.
 (No appeal) (No mitigation)

e. Additional: None.

f. CM: Special Court Martial No.2 - 26 Oct 01

CHARGE: Article 112a. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near Vandenberg AFB, CA, on or about 17 Oct 00, wrongfully use marijuana. Plea: Guilty. Finding: Guilty.

Specification 2: Did, at or near Vandenberg AFB, CA, on or about 17 Oct 00, wrongfully introduce some amount of marijuana onto an installation used by the armed forces or under the control of the armed forces, to wit: Vandenberg AFB, CA, with the intent to distribute the said controlled substance. Plea: Guilty. Finding: Guilty.

ADDITIONAL CHARGE: Article 86. Plea: Guilty. Finding: Guilty.

Specification: Did, within the state of California, on or about 8 Jul 01, without authority, absent herself from her unit, to wit: 30th Security Forces Squadron, located at Vandenberg AFB, CA, and did remain so absent until on or about 16 Jul 01. Sentence adjudged by military judge on 6 Sep 01: Confinement for 3 months, forfeiture of \$250.00 pay per month for six months, and reduction to AB.

g. Record of SV: 22 Sep 99 - 15 Apr 01 Vandenberg AFB 2 (HAF Dir)REF

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (05) Mos (03) Das
 TAMS: (02) Yrs (01) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 03 Oct 05.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Five Character References.
3. National Personnel Records Center Response.
4. Personal Data.
5. Two DD Forms 214.
6. AF Form 100.
7. Discharge Documents.

3NOV05/ia

To Whom It May Concern:

I have been trying for the last 3 years to correct my past. I have hit a huge block in my road to do so. I have been trying to get back into the military. But I can't because of the re-entry code on my DD Form 214. Nobody will touch me with a 50 foot pole, and I can't say I blame them. I did some very immature, stupid, wrong things while I was serving my country. I joined the Air Force September 22, 1999. I was only 17 at the time and fresh out of high school. I went to the Air Force because my Poppey, who is my Grandfather/Great Uncle/Father, wanted me to follow in his footsteps. Except for he was in the Army. I was very stubborn, and had a head as hard as a rock. I did excellent in Boot Camp and did my very best in Tech School. But when I got back to California, to Vandenberg A.F.B. as my permanent duty station everything went down hill from there. I was only 4 hours (3 ½ the way I used to drive) away. I was always driving up to Oakland to see my family every chance I get. I was never away from home this long of a period so being able to come up to see them when ever I wanted to was like a sign of relief. The time I was driving back and forth, should have been the time where I stepped up my game and really concentrated on making the best out of my Air Force career. As I sit back and look at it now, I think to myself how dumb I was, I was really stupid. I used to get off of work at 1pm drive up to Oakland get there around 4, 4:30 go see a basketball game or whatever at my old high school, drive back down to Vandenberg go to sleep around 1am and then get up at 4:30am to go back to work. I really had some separation issues. I'm not sure what my problem was but I know that I had a really big one. Maybe if I had just stayed on that route I would have tired myself out and forgot about driving up so often. But I didn't even give myself a chance. I made the biggest mistake of all by bringing Marijuana down onto the base and then smoking it in my room. I know what is on my Military records shows that I was bringing it on base with intent to sell. But I assure you that was not the case. My defense counsel told me that you couldn't have one without the other. Which I'm finding out now is not the case but, I was dumb and stupid and didn't know the difference. I smoked Marijuana one time and since that dreadful day I haven't touched the stuff since. I treat Marijuana like the recruiters are treating me now (Won't touch with 50 foot pole). After I got busted with the stuff I knew my military career was over. I did nothing but made it worse for myself. Underage drinking, I even tried to hide out for a week. But I realized that I got myself into to this and I disobeyed the law so I must suffer the consequence. I went to Military Confinement for three months. And those three months I had all the time to think. I knew I was going to get kick out, so I thought about ways of making my life better once I got out. For the past 3 years I have been Volunteering at different Boys and Girls Club all around the United States. I had a group of girls and boys ages 9-16 and I talked to them about the importance of making right decisions, the dangers of drugs and the importance of correcting your mistakes. I've also worked for group homes. One group home that sticks out in my mind is Compass Rose Group Homes in Sacramento CA. There I worked with young boys 8-18 and I say worked with because even though I was the Counselor they taught me some things as well. Two of the boys that were there ended up going in to the military one in the Navy and the other in the Marines. Other boys at the group home want to join once they get old enough. Every Saturday morning I wake up and help out

my Aunt who runs the "Project Love" program, which is a program that hands out food for the less fortunate. We were shown on FOX news one night. I enjoy what I do because I know it makes a difference. I have turned my life around completely. I am 23 now and I know about being the best you can be and becoming someone that people can respect and look up to. What I am asking of you now is to give me another chance. I know I made some huge mistakes when I was 17. But I am a better person, mature and know exactly what I want from life. I can not get back into the military and correct the wrong doings with the Re-entry code that I have. I am asking for a second chance at serving my country and making my Poppey and all others who look up to me now proud. Not only them but myself. This is a chapter in my life that I so badly need to re-write. This time with a better ending.

Thank You for your time



**DEPARTMENT OF THE AIR FORCE**

30TH SPACE WING (AFSPC)

FD2005-00389

MEMORANDUM FOR AB: [REDACTED]

NOV 27 2001

FROM: 30 SFS/CC

SUBJECT: Notification of Administrative Discharge Action Under AFI 36-3208

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions and Drug Abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.50.2 and 5.54, respectively. If my recommendation is approved, your service may be characterized as General, Under Honorable Conditions (General). I am recommending your discharge be characterized as General.

2. My reasons for this action are:

a. On or about 4 May 01, you were in wrongful possession of alcohol as a minor. As a result, you received nonjudicial punishment under Article 15, UCMJ dated 14 May 01. Punishment consisted of forfeiture of \$250.00 pay per month for two months, restriction to Vandenberg Air Force Base for 30 days, and reduction to the grade of Airman. The reduction was suspended until 17 Nov 01, after which time it would be remitted without further action unless sooner vacated.

b. Between on or about 4 Jun 01 and 6 Jun 01, you again were found in possession of alcohol as a minor, on divers occasions. As a result, your previously suspended reduction from your Article 15 punishment dated 14 May 01 was vacated and you were reduced to the grade of Airman.

c. On 17 Oct 00, you brought marijuana onto Vandenberg Air Force Base with the intention of later distributing it. You also smoked the marijuana the same evening. From 8 Jul 01 until 16 Jul 01, you were absent from your unit without authorization. As a result, on 6 Sep 01, you were convicted at a court martial for wrongful use of marijuana and wrongful introduction of marijuana onto Vandenberg Air Force Base with the intent to distribute, both in violation of Article 112a, UCMJ. You were also convicted of unauthorized absence in violation of Article 86, UCMJ. Punishment consisted of reduction to Airman Basic, forfeiture of \$500.00 pay per month for six months, and confinement for three months.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if discharge action is approved, how your discharge will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force. Furthermore, any special pay, bonuses, or education assistance you have received may be subject to recoupment.

GUARDIANS OF THE HIGH FRONTIER

FD2005-00389

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 Anthony B. Kolenc at the Area Defense Counsel, Building 8500, ext. 6-3627/28, at _____ hours on _____. 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 by _____ (3 duty days) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit matters in 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 30 MDG at _____ hours on _____.

8. Any personal information you furnish in rebuttal to this action is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use at the office of the Area Defense Counsel, Building 8500.

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



Commander

Attachments:

1. AF Form 3070, dtd 17 May 01
2. AF Form 366, dtd 26 Jun 01
3. Special Court-Martial Order No. 2, dtd 26 Oct 01