

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>  [ ]		<b>GRADE</b>  AMN	<b>AFSN/SSAN</b>  [ ]				
<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>				
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>					
<b>YES</b>	<b>No</b>						
	<b>X</b>						
<b>MEMBER SITTING</b>  [ ]		<b>VOTE OF THE BOARD</b>					
		<b>HON</b>	<b>GEN</b>	<b>UOHC</b>	<b>OTHER</b>	<b>DENY</b>	
						<b>X</b>	
						<b>X</b>	
						<b>X</b>	
						<b>X</b>	
						<b>X</b>	
<b>ISSUES</b> A01.57 A94.06		<b>INDEX NUMBER</b> A66.00					
		<b>EXHIBITS SUBMITTED TO THE BOARD</b>					
		<b>1</b>	ORDER APPOINTING THE BOARD				
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE				
		<b>3</b>	LETTER OF NOTIFICATION				
		<b>4</b>	BRIEF OF PERSONNEL FILE				
	COUNSEL'S RELEASE TO THE BOARD						
	ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE						
	TAPE RECORDING OF PERSONAL APPEARANCE						
<b>HEARING DATE</b> 19 May 2006		<b>CASE NUMBER</b> FD-2005-00417					
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>							
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.							
<b>SIGNATURE OF RECORDER</b> [Signature]			<b>SIGNATURE OF BOARD PRESIDENT</b> [Signature]				
<b>INDORSEMENT</b>					<b>DATE: 5/22/2006</b>		
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			<b>FROM:</b> 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

FD-2005-00417

**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:**

Issue 1. Applicant contends there was an impropriety in her discharge from the Air Force. The records indicated the applicant received an Article 15 for wrongful use of marijuana and consuming alcohol while under the age of 21, following which the discharge action was pursued. Applicant admitted to the use of alcohol, however, she contends the urinalysis test results were negative for marijuana. This issue is without merit. 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Seymour-Johnson AFB, NC on 22 Oct 04 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 14 Oct 83. Enlmt Age: 17 4/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-59, E-50, G-33, M-28. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 22 Apr 02.

b. Prior Sv: (1) AFRes 12 Mar 01 - 25 Sep 01 (6 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Sep 01 for 4 yrs. Svd: 03 Yrs 00 Mo 27 Das, all AMS.

b. Grade Status: Amn - 20 Sep 04 (Article 15, 20 Sep 04)  
A1C - 25 Jan 03  
Amn - 25 Mar 02

c. Time Lost: None.

d. Art 15's: (1) 20 Sep 04, Seymour-Johnson AFB, NC - Article 112a. You did, in the continental United States, between on or about 9 May 04, and on or about 9 Jun 04, wrongfully use marijuana. Article 92. You, who knew of your duties at or near Greensboro, NC, between on or about 9 May 04 and on or about 9 Jun 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21 years, as it was your duty to do. Reduction to AB (reduction below Airman suspended). Suspended forfeiture of \$348.00 pay. (Appeal/Denied) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 26 Sep 01 - 15 Apr 03 Seymour-Johnson AFB 4 (HAF Dir)  
16 Apr 03 - 15 Apr 04 Seymour-Johnson AFB 4 (Annual)

h. Awards & Decs: NDSM, AFOUA W/1 DEV, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (07) Mos (11) Das

TAMS: (03) Yrs (00) Mos (27) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 31 Oct 05.  
(Change Discharge to Honorable)

Issue 1: My main concern is to get my discharged (sic) changed due to no evidence. Referring to my records my test was negative last and i (sic) was still dis-charged (sic) and i (sic) was innocent.

ATCH

None.

12DEC05/ia



DEPARTMENT OF THE AIR FORCE  
4th FIGHTER WING (ACC)  
SEYMOUR JOHNSON AIR FORCE BASE NC

FD2005-00417

8 OCT 04

MEMORANDUM FOR AMN: \_\_\_\_\_

FROM: 4 EMS/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 AFD 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:

a. On or about 9 May 2004 and on or about 9 Jun 2004, you wrongfully used marijuana. This is documented in AF Form 3070, dated 8 Sep 2004. On or about 9 May 2004 and on or about 9 Jun 2004, you were derelict in the performance of your duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21 years, as it was your duty to do. This is documented in AF Form 3070, dated 8 Sep 2004 (Tab 1a).

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 higher authority will decide whether you will be discharged or retained in the United States 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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. \_\_\_\_\_ at ADC, on 12 OCT 04, at 0930 hours. 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 14 OCT 04 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 statements 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 Gold Team on 14 OCT 04, at 0900 hours for the examination.

8. 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 Area Defense Counsel's Office or Orderly Room.

9. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 18 Oct 2004 at 1300 hours. You must report to building 3602 for your TAPs counseling.

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



Commander

Attachments:

1. Supporting Documents
  - a. AF Form 3070, dated 9 Sep 2004
2. Airman's Receipt of Notification Memorandum
3. Airman's Statement
4. Medical Examination
5. EPRs/LOE
6. Statement of Understanding Regarding Recoupment of Education Assistance, Special Pay, or Bonuses