

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		<b>GRADE</b>  <b>AMN</b>		<b>AFSN/SSAN</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>																															
<b>TYPE GEN</b>		<b>PERSONAL APPEARANCE</b>		<b>X</b>	<b>RECORD REVIEW</b>																														
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<b>ISSUES</b> <b>A94.05</b> <b>A01.25</b> <b>A92.39</b>		<b>INDEX NUMBER</b> <b>A67.70</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;"><b>1</b></td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;"><b>2</b></td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;"><b>3</b></td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>4</b></td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td> </td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td> </td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td> </td> <td>TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </table>		<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																
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<b>HEARING DATE</b> <b>05 Jul 2006</b>		<b>CASE NUMBER</b> <b>FD-2005-00421</b>																																	
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>																																			
<p>Case heard at Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>																																			
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<b>INDORSEMENT</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**

CASE NUMBER

**FD-2005-00421**

**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 discharge was inequitable because it was too harsh and she was wrongfully accused of using a schedule III controlled substance, Vicodin. The records indicated the applicant received an Article 15 and Letter of Reprimand for misconduct. Applicant received a Letter of Reprimand for failure to maintain a proper family care plan, disobeying an order by failing to report for mandatory fitness training and failure to go. The basis for her discharge action was an Article 15 for wrongful use of a schedule III controlled substance, Vicodin. Applicant was punished with reduction to the grade of airman, 15 days extra duty and discharge from the United States Air Force. 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. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, she signed a statement (DD Form 2366, on December 18, 2002) that she understood she must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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 Elmendorf AFB, AK on 28 Jul 05 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 Mar 82. Enlmt Age: 20 8/12. Disch Age: 23 4/12. Educ: HS DIPL. AFQT: N/A. A-74, E-59, G-74, M-48. PAFSC: 4A051 - Health Services Management Journeyman. DAS: 22 May 03.

b. Prior Sv: (1) AFRes 5 Dec 02 - 10 Dec 02 (6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Dec 02 for 4 yrs. Svd: 02 Yrs 07 Mo 18 Das, all AMS.

b. Grade Status: Amn - 08 Jun 05 (Article 15, 8 Jun 05)  
A1C - 11 Apr 04  
Amn - 11 Jun 03

c. Time Lost: None.

d. Art 15's: (1) 8 Jun 05, Elmendorf AFB, AK - Article 112a. You, did, at or near Anchorage, Alaska, between on or about 1 Sep 04 and on or about 1 Nov 04, wrongfully use Vicodin (Hydrocodone), a Schedule III controlled substance. Reduction to Airman, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 2 MAY 05 - Failure to maintain a proper family care plan, disobeying an order, and failure to to.

f. CM: None.

g. Record of SV: 11 Dec 02 - 10 Aug 04 Elmendorf AFB 4 (Initial)  
11 Aug 04 - 17 Jun 05 Elmendorf AFB 1 (Cmdr Dir) REF

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

i. Stmt of Sv: TMS: (02) Yrs (07) Mos (24) Das  
TAMS: (02) Yrs (07) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Oct 05.

(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Report of Investigation.

01DEC05/ia

October 14, 2005

Sir/Ma'am,

My name is [redacted] I joined the United States Air Force in December of 2002. After Basic and Technical Training I was stationed at Elmendorf AFB in Alaska. I worked at the 3rd Medical Group on Elmendorf AFB as a Health Services Management Apprentice in the Womens Health Clinic. On the 24th of February of 2004 I was supposed to go Palace Chase here in Michigan. I had my orders, plane tickets, etc. I was notified a week prior to my separation date that I had been put on administrative hold, and would no longer be able to leave. I was called into the Office of Special Investigations and questioned regarding another Airman [redacted] [redacted] had joined the military at the request of a judge due to legal charges against her pertaining to use/ selling of heroin. Knowing that I should still legally be able to go palace chase, because I had received orders, I was questioning why I was still there. This investigation went on for almost a year, and my daughter, husband and I were kept there, due to Administrative hold. I was not allowed to take leave without commands approval. There also was another Airman [redacted] and the Amn in question that had the same circumstances. Because I have a one year old daughter, my desire was to be at home in Michigan with my family to offer help/support for us. Eventually I was told that I would be reporting to my commander. When I did, I was informed that I was getting an Article 15 for controlled use of an illegal substance. (Thus being Vicodin.) Shocked I left the office with an OSI report in my hand. When reviewing I had saw that there was a night when I was at my supervisors house that a Confidential Source had reported that they had saw myself, [redacted] and [redacted] take a Vicodin Pill. Although my supervisor stated in the report that she never saw anything, there was a confidential source that said we had. SSgt: [redacted] (my supervisor) had two young airmen living with her at the time. Their names were [redacted] and [redacted] had hurt his leg and was dating [redacted] Myself and Amn [redacted] witnessed him tell her she could have his Vicodin pills. Because [redacted] came in to the military with a drug problem, this carried out throughout her military career. A night when [redacted] and I were at my supervisors house I witnessed her taking [redacted] pills. When I questioned her about what she was doing, she responded by saying that he said she could have them. [redacted] returned home one night and spoke with Sgt [redacted] about being questioned by OSI. He stated to [redacted] that; "He told OSI what they wanted to hear so he could go home." Thus resulting in my discharge from Active Duty. When I was questioned by OSI I explained to them what I had seen. I also volunteered to allow them to search my car, home, and take a drug test. The drug test came back negative for any use of a controlled substance, and nothing was found in my house or vehicle. When I spoke to my lawyer at the Area Defense Counsel she requested that I go to Court Martial. She also stated they had no case, and it was complete hear say. If you are interested in seeing my OSI

report I will gladly send it to you. Although Court Martial was an option I was also notified that if for some reason the judge found me guilty I would risk the possibility of going to jail. As a mother I did not want to take that risk. After almost a year of an investigation that I was left in the dark about, I did not want to continue to wait for a court martial and risk being up there for another year. My rank was reduced and myself, Amn: [redacted] and Amn: [redacted] were discharged from the United States Air Force. It was rightful of the Military to dismiss some one with the issues Amn: [redacted] had. I feel strongly and am willing to go above and beyond to fight for this. Amn: [redacted] and I were wrongfully accused and endured a lot of pain/agonny through something that not only was complete hear say, but was something that had never been done. I am not able to get my educational benefits or unemployment due to these circumstances. I ask you this sir, that you hear my purpose and help me. You can reach me via e-mail at: [redacted] Thank you for your time,

P.S. I would still like to be serving my country.



**DEPARTMENT OF THE AIR FORCE**  
**PACIFIC AIR FORCES**

JUL 15 2005

MEMORANDUM FOR Amn: [REDACTED], 3 MDOS

FROM: 3 MDOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for drug abuse, specifically, Vicodin. 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 (UOTHC). I am recommending your service be characterized as general
2. My reasons for this action is: Between 1 Sep 04 and 1 Nov 04, you wrongfully used Vicodin, a schedule III controlled substance. For this offense, you received nonjudicial punishment, under Article 15, consisting of a reduction to the grade of airman and 15 days extra duty. This action established an Unfavorable Information File (UIF). (Atch 1)
3. Though not used as a basis for this discharge action, the following will be forwarded to the separation authority for review in consideration of your service characterization:  
  
On 28 Apr 05, as a result of your failure to maintain a proper family care plane, you failed to report to your appointed place of duty. For this offense, you received a Letter of Reprimand, dated 2 May 05. (Atch 2)
4. 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.
5. 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], 552-3887, at Bldg 10480, Room 330 on 15 Jul 05 at 1300. You may consult civilian counsel at your own expense.
6. 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.

7. 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.

8. You have been scheduled for medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 5595, at 1440 on 15 Jul 05 for your first exam, at which time you will be notified of the time for your second exam. Bring with you the Medical Assessment Letter (DD Form 2697). You are to 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.

9. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 0830 on 19 Jul 05. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 8517 (People Center), Room 247 at 0900 on 18 Jul 05. You must be in uniform for all appointments.

10. 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.

Commander

Attachments:

1. AF Form 3070 (Article 15), dtd 8 Jun 05
2. Letter of Reprimand, dtd 2 May 05