

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 SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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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	UOTHC	OTHER	DENY
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ISSUES A94.06	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 14 Sep 2006	CASE NUMBER FD-2005-00459	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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.

- * Reason and Authority
- + Reenlistment Code

SIGNATURE OF RECORDER <div style="border: 1px dashed black; height: 40px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 40px; width: 100%;"></div>
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INDORSEMENT	DATE: 9/18/2006
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-2005-00459

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: The discharge is upgraded to Honorable, the reason for discharge is changed to Secretarial Authority, and the reenlistment code is changed to 3K.

ISSUE:

Member received a general discharge for wrongful use of Percocet that was prescribed to her mother. Applicant infers her discharge was too harsh because she had served 9 ½ years of service with an exemplary record. While the Board did not condone applicant's incident of misconduct, after complete consideration of the information submitted by the applicant and her compelling personnel record, the Board concluded there was sufficient mitigation and extenuation to substantiate an upgrade of discharge, to change the reason and authority and reenlistment code.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority with a Reenlistment Code of 3K. The applicant's characterization and reason for discharge should be changed to Honorable and Secretarial Authority (RE Code: 3K) under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former SRA) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Luke AFB, AZ on 11 Feb 05 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 11 Sep 74. Enlmt Age: 20 7/12. Disch Age: 30 5/12. Educ: HS DIPL. AFQT: N/A. A-57, E-60, G-57, M-44. PAFSC: 4N051 - Medical Services Journeyman. DAS: 18 Nov 02.

b. Prior Sv: (1) Enlisted as AB 26 Apr 95 for 4 yrs. - Reenlisted as SrA 6 May 98 for 6 yrs. Svd: 8 yrs 1 month 29 days, all AMS. AMN - 26 Oct 95. A1C - 26 Aug 96. SrA - 26 Apr 98. SSGT - 1 Oct 01. EPRs: 3,4,5,5,5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSGT 26 Jun 03 for 5 yrs. Svd: 01 Yrs 07 Mo 15 Das, all AMS.

b. Grade Status: SrA - 13 Oct 04 (Article 15, 13 Oct 04)

c. Time Lost: None.

d. Art 15's: (1) 13 Oct 04, Luke AFB, AZ - Article 112a. You did, within the continental United States, on divers occasions, on or about 21 Jul 04, wrongfully use Percocet, a schedule II controlled substance. Reduction to SrA. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 16 Oct 02 - 15 Oct 03 Luke AFB 5 (Annual)
16 Oct 03 - 15 Oct 04 Luke AFB 1 (Annual)REF

h. Awards & Decs: AFAM W/1 OLC, NDSM W/BSS, AFTR, NCOPMER, AFLSAR W/1 OLC, AFOUA W/2 OLCS, AFGCM W/2 OLCS.

i. Stmt of Sv: TMS: (09) Yrs (09) Mos (16) Das
TAMS: (09) Yrs (09) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Nov 05.
(Change Discharge to Honorable)



DEPARTMENT OF THE AIR FORCE
56TH MEDICAL GROUP
LUKE AFB, ARIZONA 85309

OCT 25 2004

MEMORANDUM FOR SRA:

FROM: 56 MDG/CC

SUBJECT: Notification Memorandum --Board Hearing

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, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.54. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action is:

a. On divers occasions, on or about 21 Jul 04, you wrongfully use percocet. For this misconduct you received an Article 15, dated 13 Oct 04. Your punishment included reduction to E-4. This action established an Unfavorable Information File (UIF).

3. This action could result in your separation with an Under Other Than Honorable Conditions (UOTHC) Discharge. I am recommending that you receive an Under Honorable Conditions (General) Discharge. The commander exercising special court-martial jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the United States Air Force and will probably be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subjected to recoupment.

4. You have the right to:

a. Consult legal counsel.

b. Present your case to an administrative discharge board.

c. Be represented by legal counsel at a board hearing.

d. Submit statements in your behalf in addition to, or in lieu of, the board hearing.

e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to 56th Medical Group, on _____, at _____ hours for the examination. You have been scheduled for a medical examination. You must retrieve your medical records from 56th Medical Group Hospital Outpatient Records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this discharge file for the medical examination.

6. 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: at 7383 N. Litchfield Rd., Bldg. 1150, ext 6701, on 27 Oct 04 at 0830 hours. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to employ civilian counsel. The Military Component does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

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 your unit's orderly room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

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

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Commander

Attachments:

1. Supporting Documents
 - a. Airman's Statement
 - b. Recoupment Letter
 - c. Airman's Record of Review Listing (Six-Part RIP)
 - d. Article 15, dated 13 Oct 04
2. Receipt of Notification Memorandum