

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 SSGT	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
---------------------------------------------------------------------------------------------------------------------------------	-------------------	-------------------------------------------------------------------------------------------

TYPE UOTH	PERSONAL APPEARANCE	X	RECORD REVIEW
------------------	----------------------------	----------	----------------------

COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X

ISSUES A92.01 A94.05	INDEX NUMBER A94.07	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</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 HE</td></tr> </table>	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
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 30 Jan 2007	CASE NUMBER FD-2006-00167	
------------------------------------	-------------------------------------	--

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 RECIPIENT <div style="border: 1px dashed black; width: 100%; height: 100%;"></div>	SIGNATURE OF BOARD MEMBER <div style="border: 1px dashed black; width: 100%; height: 100%;"></div>
----------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------

INDORSEMENT	DATE: 2/7/2007
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

GENERAL: The applicant appeals for upgrade of discharge to general.

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. Although not explicitly stated, applicant contends her discharge was inequitable because it was too harsh and was unfair due to lack of circumstantial evidence. The records indicated the applicant had been charged with wrongful use of marijuana and making a false official statement. As a result, she requested an administrative discharge in lieu of a court martial. 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 states that she was a good airman and would not have intentionally jeopardized her career to use drugs. The DRB took note of the applicant's duty performance as documented by her performance reports and other accomplishments. However, the Board found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 SSGT) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF Charleston AFB, SC on 22 Apr 05 UP AFI 36-3208, Chapter 4 (Triable by Court-Martial). Appeals for General Disch.

2. **BACKGROUND:**

a. DOB: 4 Mar 75. Enlmt Age: 23 7/12. Disch Age: 30 1/12. Educ: HS DIPL. AFQT: N/A. A-65, E-39, G-50, M-35. PAFSC: 2T071 - Traffic Management Craftsman. DAS: 15 Jul 03.

b. Prior Sv: (1) AFRes 30 Oct 98 - 23 Feb 99 (3 mos 24 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 24 Feb 99 for 4 years. Extended on 1 Mar 02 for 18 months. Extended again on 10 Feb 04 for 5 months. Svd: 06 Yrs 01 Mo 29 Das, all AMS. EXAMINER'S NOTE: Applicant was involuntarily extended twice, while pending Court Martial charges.

b. Grade Status: SSgt - 1 Sep 03
SrA - 24 Dec 00

c. Time Lost: None.

d. Art 15's: (1) None.

e. Additional: None.

f. CM: None.

g. Record of SV: 24 Feb 99 - 15 Jul 00 Beale AFB 5 (HAF DIR)
16 Jul 00 - 15 Jul 01 Beale AFB 5 (Annual)
16 Jul 01 - 11 Mar 02 Beale AFB 5 (CRO)
12 Mar 02 - 11 Mar 03 Incirlik AB 5 (Annual)
12 Mar 03 - 11 Mar 04 Charleston AFB 5 (Annual)

h. Awards & Decs: AFAM, AFTR, NDSM, AFLSAR, NCOPMER, AFOSSTR, GWOTSM, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (06) Yrs (05) Mos (23) Das
TAMS: (06) Yrs (01) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Apr 06.
(Change Discharge to General {Under Honorable Conditions})

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Copies of six EPRs.
3. Seven Affidavits.
4. Four Character Statements.
5. Two copies of DD Form 214.

6JUN06/day

My name is [REDACTED], formerly known as Staff Sergeant [REDACTED]. I served for a total of six years with the United States Air Force. While serving my enlistment, I extended twice. The first extension was for a total of 18 months, allowing me to take an assignment to Incirlik AB, Turkey and then a follow-on to Charleston AFB, SC. The second extension was for a total of 5 months, allowing me to complete Airman Leadership School. My main reason for extending was to allow myself adequate time to figure out whether to stay in the military or to separate. Upon approaching my last extension date (January 2005), the decision was practically made for me. I only had a few months left before completing each extension successfully. Just as I stated to the defense counsel, I will state once again this was unfair due to the lack of uncircumstantial evidence. I could not even explain how having a positive test could have happened, so how could someone else have given me the answer to that question without a doubt in their mind that their information was in fact 100 percent accurate. I gave ideas of how it could have occurred but I wasn't sure on how it did happen, therefore; I could only provide what I knew. I provided the security forces with information that I had to provide and in return one of the sergeants said I lied. I told him, that I had not had any marijuana since I tried it in college. I graduated from college in 1998. I am not certain as to what the sergeant said, but I do know that he is the one being untruthful. That would have simple been considered his word against mine.

Moving forward, I would not have intentionally jeopardized my career, education, or my well-being over a drug or any drugs for that matter. These are all an intimate part of my life. Especially my education, it is very important to me because it is truly a token that no matter what you go through in life, it will never be taken away from you. My military career had also become a challenging, yet successful part of me. My military records will indicate as such. Like I said earlier, I joined the United States Air Force under a four year enlistment and because there were so many great things going on within my career, I could not decide on staying in or getting out. I extended for a total of 23 months. Even though I did not re-enlist, technically my initial enlistment was served under honorable conditions.

When I look back on my type of discharge I received, I am far from being proud but I am proud to have had the opportunity to serve my country and I am also proud of my accomplishments. I hoped that one day, I would be able to put my certificate on the wall next to my father's. My father served in the United States Army and was wounded in the Vietnam War. Due to the type of discharge I received, I would rather keep it in a box, filed away. It makes me sad and angry not being able to share such an achievement for a father and his daughter.

Thank you for taking the time to consider me for an upgrade in discharge type. I have enclosed EPR's, affidavits and a copy of my DD Form 214.

[REDACTED]

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (<i>Last, First, MI</i>)		2. SSN	3. GRADE OR RANK Staff Sergeant	4. PAY GRADE E-5
5. UNIT OR ORGANIZATION 437 APS (AMC) Charleston AFB, SC 29404			6. CURRENT SERVICE	
			a. INITIAL DATE 24 Feb 99	b. TERM 4 years
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED None		9. DATE(S) IMPOSED N/A
a. BASIC	b. SEA/FOREIGN DUTY			
\$2,060.70	\$0.00	\$2,060.70		

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: Violation of the UCMJ, Article 112a

Specification: In that STAFF SERGEANT: _____; United States Air Force, 437th Aerial Port Squadron, Charleston Air Force Base, South Carolina, did, within the continental United States, between on or about 1 October 2004 and on or about 9 November 2004, wrongfully use marijuana.

CHARGE II: Violation of the UCMJ, Article 107

Specification: In that STAFF SERGEANT: _____; United States Air Force, 437th Aerial Port Squadron, Charleston Air Force Base, South Carolina, did, at or near Charleston Air Force Base, South Carolina, on or about 7 December 2004, with intent to deceive, make to Detective: _____; an official statement, to wit: "I have never used marijuana," which statement was totally false, and was then known by the said STAFF SERGEANT: _____; to be so false.

III. PREFERRAL

11a. NAME OF ACCUSER (<i>Last, First, MI</i>)	b. GRADE Lt Col	c. ORGANIZATION OF ACCUSER 437 APS
d. SIGNATURE OF ACCUSER	e. DATE 19 Jan 05	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser this 19 day of January, 2005, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Typed Name of Officer

Captain
Grade

Signature

437 AW/JA
Organization of Officer

Assistant Staff Judge Advocate
Official Capacity to Administer Oath
(See R.C.M. 307(b)(1) - must be commissioned officer)

