

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 AMN	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
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A95.00 A92.01 A01.00	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 01 Mar 2007	CASE NUMBER FD-2006-00314	
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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 RECORDER _____ SIGNATURE OF BOARD PRESIDENT _____

INDORSEMENT	DATE: 3/5/2007
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

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2006-00314

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: The applicant submitted no specific issues of inequity or impropriety and requested that the review be completed based on the available service record. The Board reviewed the entire records and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant had received an Article 15 for wrongfully using marijuana. She admitted to using marijuana and was punished with a reduction in grade to Airman, forfeiture of pay, and a reprimand. 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 she had learned from her mistakes and has a great desire to move on and have a clean slate. She further stated with the exception of one mistake her discharge would be better reflected by an Honorable discharge due to her character and good works while serving in the Air Force. The Board took note of the applicant's duty performance as documented by her performance report and other accomplishments. They 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Randolph AFB, TX on 14 Dec 04 UP AFI 36-3208, 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 Feb 84. Enlmt Age: 17 4/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-54, E-38, G-39, M-36. PAFSC: 3A031 - Information Management Apprentice. DAS: 19 Oct 02.

b. Prior Sv: (1) AFRes 21 Jun 01 - 18 Jun 02 (11 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Jun 02 for 4 yrs. Svd: 02 Yrs 05 Mo 26 Das, all AMS.

b. Grade Status: Amn - 13 Oct 04 (Article 15, 13 Oct 04)
A1C - 19 Oct 03
Amn - 19 Dec 02

c. Time Lost: None.

d. Art 15's: (1) 13 Oct 04, Randolph AFB, TX - Article 112a. You did, on divers occasions, between on or about 1 Apr 04 and on or about 31 Jul 04, wrongfully use marijuana. Reduction to Airman, forfeiture of \$300.00 pay, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 19 Jun 02 - 01 Mar 04 Randolph AFB 5 (Initial)

h. Awards & Decs: NDSM, AFTR, AFOEA.

i. Stmt of Sv: TMS: (03) Yrs (05) Mos (24) Das
TAMS: (02) Yrs (05) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Aug 06.
(Change Discharge to Honorable)

Issue 1: I am requesting an upgrade of my discharge because with time, I

have learned a lot from mistakes made at the time. It is a great desire that I have to move on and have a clean slate. I do not have specific "issues" or any disputes as far as the discharge characterization, however, I feel an upgrade will be beneficial for future job seeking. With the exception of one bad mistake, an Honorable discharge would better reflect my character and good works while serving in the United States Air Force.

ATCH

1. Letter of Evaluation.
2. Enlisted Performance Report.
3. Nomination for Award.

13OCT06/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

30 NOV 2004

MEMORANDUM FOR AMN: [redacted]

FROM: HQ AETC/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Drug Abuse. The authority for this action is Air Force Policy Directive 36-32 and Air Force Instruction 36-3208, paragraph 5.54. If my recommendation is approved, your service will be characterized as Honorable or Under Honorable Conditions (General). I am recommending your service be characterized as Under Honorable Conditions (General).

2. My reasons for this action are as follows: At or near Randolph Air Force Base, , Texas, on divers occasions, between on or about 1 Apr 04 and on or about 31 Jul 04, you wrongfully used marijuana. For this offense, you received punishment under Article 15, UCMJ, dated 12 Oct 04.

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. If you are discharged, you will be ineligible for reenlistment in the Air Force. Any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult Capt: [redacted], Area Defense Counsel (ADC), Bldg 399, Randolph AFB (652-2274), or another ADC, on 30 NOV 04 at 1400. You may consult civilian legal counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 6 DEC 2004 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 the Randolph AFB Clinic, Records Section at 1400 on 1 DEC 04. You will be seen by Dr. [redacted]. Report 15 minutes early.

8. You must report to 12 MSS/DPMARS (Separations), 12 MSS/FMFC (Finance), 12 CES/CEH (Base Housing), and 12 MSS/DPS (Family Support Center) within 24 hours of this notification to inform them of your pending separation.