

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

|   |                     |  |   |
|---|---------------------|--|---|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)<br><div style="background-color: black; width: 100px; height: 1.2em; margin-top: 5px;"></div> |                     | GRADE                                  | AFSN/SSAN<br><div style="background-color: black; width: 100px; height: 1.2em; margin-top: 5px;"></div> |
| TYPE GEN  | PERSONAL APPEARANCE | X                                      | RECORD REVIEW   |
| COUNSEL   |                     | NAME OF COUNSEL AND OR ORGANIZATION    |   |
| YES   | No                  | ADDRESS AND OR ORGANIZATION OF COUNSEL |   |
|   | X                   |  |   |

| VOTE OF THE BOARD |     |     |       |       |      |
|-------------------|-----|-----|-------|-------|------|
|                   | HON | GEN | UOTHC | OTHER | DENY |
|                   |     |     |       |       | X*+  |
|                   |     |     |       |       | X*+  |
|                   |     |     |       |       | X*+  |
|                   |     |     |       |       | X*+  |
|                   |     |     |       |       | X*+  |

|                            |                    |  |
|----------------------------|--------------------|--|
| ISSUED<br>A07.20<br>A57.03 | RECEIVED<br>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 HEARING                |

|                             |                              |  |
|-----------------------------|------------------------------|--|
| HEARING DATE<br>06 Jul 2010 | CASE NUMBER<br>FD-2009-00139 |  |
|-----------------------------|------------------------------|--|

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

| ENDORSEMENT   |  |
|---|--|
| TO:<br>SAF/MRBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742 | FROM:<br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3RD FLOOR<br>ANDREWS AFB, MD 20762-7001 |

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-2009-00139

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined and requests that the review be completed based on the available service record.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDING:** The Board denies the upgrade of the discharge, change of reason and authority for discharge, and change of reenlistment code.

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.

**ISSUES:**

Issue 1. Applicant requests that she not be penalized indefinitely for an isolated mistake she made when young. The record indicates that the applicant was discharged for Misconduct—Drug Abuse. She received an Article 15 action for wrongful use of marijuana. The record shows that the applicant's drug abuse was disclosed to her chain of command by a friend to whom the applicant had disclosed her drug use. During the subsequent law enforcement investigation, the applicant admitted to smoking but denied prior use; the applicant did submit a statement that she had been depressed and succumbed to peer pressure when she agreed to smoke a marijuana cigarette offered to her by acquaintances. After review of the record, the DRB recognized the applicant was 20 years of age when the discharge took place. However, there is no evidence she was immature or did not know right from wrong or that she was ignorant of the Air Force policy of zero tolerance to illegal drug use. The Board opined the applicant was the same age or older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The Board found the negative aspects of the willful misconduct outweighed the positive aspects of the applicant's performance and concluded that the characterization of the applicant's discharge was appropriate.

Issue 2. Applicant submitted no other issues regarding the inequity or impropriety of her discharge. The applicant does submit, however, that she believes she deserves a second chance despite her discrepancies, so that she may serve her country in a reserve component of the Armed Forces. The record indicates the applicant received one Article 15, seven Letters of Reprimand (LORs), and a Record of Individual Counseling (RIC). Her misconduct included wrongful use of marijuana, failure to report for duty on time on six or more occasions, sleeping on duty, conducting herself improperly with customers, disobeying direct orders, and using government phones to make personal phone calls on multiple occasions over the course of several months. The Board opined that through these administrative actions, the applicant had ample opportunities to change her behavior. While the DRB was pleased to see that the applicant was doing well and has a good job, it found that the seriousness of her willful misconduct offset any positive aspects of her duty performance and that her misconduct appropriately characterized her term of service. After a careful review of the entire record, the Board found no evidence of impropriety or inequity to warrant an upgrade of the discharge.

**CONCLUSION:** 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 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 and determines the discharge should remain unchanged.

Attachment:  
Examiner's Brief