

PERSONAL APPEARANCE		X RECORD REVIEW				
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	X					
MEMBERS SITTING		HON	GEN	UOTEC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES	INDEX NUMBER	1 ORDER APPOINTING THE BOARD				
A94.05	A67.10	2 APPLICATION FOR REVIEW OF DISCHARGE				
		3 LETTER OF NOTIFICATION				
HEARING DATE	CASE NUMBER	4 BRIEF OF PERSONNEL FILE				
01 03 15	FDO1-00035	COUNSEL'S RELEASE TO THE BOARD				
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE				
		TAPE RECORDING OF PERSONAL APPEARANCE HEARING				
REMARKS						
Case heard at 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.						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT			
[REDACTED]			[REDACTED]			
TO:			FROM:			
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002			

**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 the available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge is denied.

The Board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issues **1-3** are similar in nature and will be addressed jointly. Applicant contends discharge was inequitable because it was too harsh—that she received relatively little counseling, had never been counseled for duty performance, and upon receiving a reduction in rank her rebuttle to the new commander was never reviewed. The records indicated the applicant received two Letters of Reprimand, three Records of Individual Counseling and one Verbal Counseling for misconduct. The misconduct included failing to obey a direct order and lying to a non-commissioned officer, having several discrepancies regarding the wear of her uniform, failing to go to her appointed place of duty on time on several occasions, having an unprofessional attitude and failing to follow directions, receiving a traffic ticket for inattentive driving, and not completing her Career Development Course. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior. There was no evidence in her records that she was demoted and a rebuttle was processed. There was indication that she was not recommended for promotion to **E-4** due to a history of sub-standard performance, behavior and improper wear of uniform. If she can provide additional documented information to substantiate an issue, the applicant should consider exercising her right to make a personal appearance before the Board. If she should choose to exercise her right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community. 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.

**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 A1C)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/08/16 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

**2. BACKGROUND:**

a. DOB: 78/05/26. Enlmt Age: 18 2/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-68, E-64, G-55, M-48. PAFSC: 4C051 - Mental Health Service Journeyman. DAS: 97/07/28.

b. Prior Sv: AFRes 96/08/06 - 97/02/04 (5 months 29 days) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enld as AB 97/02/05 for 4 yrs. Svd: 3 Yrs 6 Mo 12 Das, all AMS.

b. Grade Status: A1C - 98/06/05  
AMN - (EPR Indicates): 98/10/05-99/10/04

c. Time Lost: none.

d. Art 15's: none.

e. Additional: LOR, 31 MAR 00 - Failure to obey order & lying.  
LOR, 22 OCT 99 - Uniform violations.  
RIC, 10 AUG 99 - Failure to go.  
RIC, 22 MAY 98 - Late for duty/unprofessional  
attitude/failure to follow directions.  
VBC, 26 MAY 00 - Traffic ticket.  
RIC, 09 JAN 98 - Failure to complete CDC.

f. CM: none.

g. Record of SV: 97/02/05 98/10/04 Lackland AFB 4 (Initial)  
(Discharged from Lackland AFB)

h. Awards & Decs: AFTR, AFOUA W/1 BOLC, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (11) Das  
TAMS: (3) Yrs (6) Mos (12) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 00/09/14.  
(Change Discharge to Honorable)

Issue 1: I served 3.5 years on active duty. I had relatively little counselling (sic) during my enlistment.

Issue 2: I have never been counselled (sic) for duty performance (sic).

Issue 3: Upon receiving a reduction in rank I submitted a rebuttle that included several character referances (sic) from co-workers. My commander "lost" my rebuttle, as well as my PIF and my training folder. My section had a change of command and my new command did not review my paperwork.

ATCH  
none.

01/02/01/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

27 Jul 00

MEMORANDUM FOR 37 TRW/CC

FROM: 37 TRW/JA

SUE JE( T Legal Review, Administrative Discharge,  
[REDACTED]

1. Authority for Action: We have reviewed the attached administrative discharge package in accordance with AFI 36-3208 and find it is legally sufficient to support a finding that the respondent, [REDACTED], is subject to discharge for Misconduct-Minor Disciplinary Infractions, under AFI 36-3208, Chapter 5, paragraph 5.49. The proposed discharge is supported by a preponderance of the evidence, and there are no errors that prejudice a substantial right of the Respondent. All further paragraph references are to AFI 36-3208 unless specifically stated otherwise.

2. Respondent's Military Record: Respondent has been on active duty since 5 Feb 97. Her initial enlistment expires on 4 Feb 01. She is not entitled to an administrative board hearing based on time in service, grade, or other factors, pursuant to paragraph 6.2.2. [REDACTED] has been stationed at Lackland AFB since 28 Jul 98. [REDACTED] has one enlisted performance report (EPR). Her EPR, which closed out on 4 Oct 99, rated her an overall 3. Her awards and decorations include the Air Force Good Conduct Medal, Air Force Outstanding Unit Award, and Air Force Training Ribbon.

3. Respondent's Response: Respondent has waived her right to consult counsel and submit statements.

4. Analysis:

a. Basis and Propriety of Discharge: AFI 36-3208, paragraph 5.49, authorizes the involuntary separation of airmen who engage in a pattern of misconduct involving violations of nonpunitive regulations or minor offenses under the UCMJ. According to the instruction, the subject misconduct will have ordinarily resulted in informal or formal counselings, letters of reprimand, or nonjudicial punishment under Article 15, UCMJ. [REDACTED]'s personnel files are replete with documented examples of misconduct. Her misconduct is specifically characterized by failing to obey an order, discrepancies in the wear of her uniform, failures to go, unprofessional behavior, and a traffic violation. As a result of these various instances of misconduct, [REDACTED] received a verbal counseling, three Records of Individual Counseling, and two Letters of Reprimand. Although [REDACTED] received repeated notice, through the aforementioned adverse actions, that her violations of the UCMJ and Air Force standards were unacceptable, she continued to engage in misconduct. Because [REDACTED]'s pattern of misconduct involves recurrent violations of Air Force standards and minor UCMJ offenses, she may be lawfully separated pursuant to AFI 36-3208, paragraph 5.49.

b. Characterization of Discharge: The possible service characterizations in this case are Honorable, Under Honorable Conditions (General), and Under Other Than Honorable Conditions (UOTHC). The initiating commander recommends a General service characterization. Characterization of service as General is appropriate when significant negative aspects of an airman's conduct outweigh the positive aspects of his or her military record. [REDACTED] undeterred misconduct is a significant departure from accepted behavior in the military and consequently overshadows any identifiable positive aspects of her military record. These significant negative aspects of [REDACTED] s conduct clearly outweigh the positive aspects of her military record. Accordingly, characterization [REDACTED] s service as General is appropriate.

c. Probation and Rehabilitation (P&R): I concur with 859 MSGS/CC that probation and rehabilitation is not appropriate for this airman. The squadron gave [REDACTED] ample opportunity for rehabilitation. [REDACTED] did not take advantage of those opportunities as shown by her repeated misconduct. There is no reason to believe that further rehabilitative efforts would be successful.

5. Options: You may:

- a. direct retention in the United States Air Force;
- b. direct discharge from the Air Force with a General discharge, with or without P&R, under paragraph 5.49;
- c. forward a recommendation for separation under paragraph 5.49 with an Honorable discharge, with or without P&R, to 59 MDW/CC; or
- d. direct re-initiation of the package to convene an administrative discharge board if you believe an Under Other Than Honorable Conditions discharge is warranted.

6. Recommendation: We recommend that you sign the attached letter directing [REDACTED] s General discharge from the Air Force without Probation and Rehabilitation.

[REDACTED]

Attachment:  
Case File

FD01-000 35

**DEPARTMENT OF THE AIR FORCE**  
59<sup>th</sup> Medical Wing (AETC)

MEMORANDUM FOR 

13 Jul 00

FROM: 859 MSGS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for **Minor Disciplinary Infractions**. The authority for this action is AFPD 36-32 and AFI 36-3208, Paragraph **5.49**. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

a. On or about 29 Mar 00, you failed to obey a direct order, you committed a security violation, and lied to a Noncommissioned Officer. For this you received a Letter of Reprimand (LOR) dated 31 Mar 00.

b. On or about 27 Jan 00, I recommended that you not be promoted to the rank of Senior Airman and I denied your reenlistment in the Air Force. I based these decisions on your substandard duty performance.

c. On or about 5 Oct 99, you were noted as having several discrepancies regarding the wear of your uniform. For this you received a LOR dated 22 Oct 99.

d. On or about 5 Oct 99 and on or about 7 Oct 99, you failed to **go** to your appointed place of duty on time. For this you received a Record of Individual Counseling (RIC) dated 10 Aug 99.

e. On or about 22 May 98, you were approached by your supervisor regarding being late for duty, having **an** unprofessional attitude, and failure to follow directions. For this you received a RIC dated 22 May 98.

f. ~~On~~ On or about 30 Mar 98, you received **an** Armed Forces traffic ~~ticket~~ for Inattentive driving and for having no proof of insurance in your possession. For **this** you received a verbal counseling on **26** May 00.

g. On or about 7 Jan 98 it was found that you had not yet completed your Career Development Course Volume III book as you had previously been instructed to do. For this you received a RIC dated 9 Jan 98.

3. 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 will be 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.

4. You have the right to counsel. Military Legal Counsel has been obtained for you. I have made an appointment for you to consult \_\_\_\_\_ at Building Number 1000, on \_\_\_\_\_ at \_\_\_\_\_ hours. You may consult civilian counsel at your own expense. **If** employed, civilian counsel must be readily available.

5. 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** workdays, 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 Building 6612, Rm 502, **Monday through Friday, between 1300 - 1500** with your medical, immunization, and dental records for the examination.

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 the 59 Surgical Operations orderly room.



Commander, 859<sup>th</sup> Surgical Operations Squadron

Attachments:

1. LOR dated 31 Mar 00 w/atch
2. MFR dated 27 Jan 00
3. AF Form 418 dated 27 Jan 00 w/atch
4. LOR dated 22 Oct 99
5. AF Form 174 dated 10 Aug 99
6. AF Form 174 dated 22 May 98
7. DD Form 1408 dated 30 ~~Mar~~ 98 w/atch
8. AF Form 174 dated 9 Jan 98