

YES	NO	NONE					
	X						
MEMBERS SITTING			HON	GEN	DOTC	OTHR	DENY
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
ISSUES	INDEX NUMBER						
A91.07	A67.10	1 ORDER ——— TINGTHEBOARD					
		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	CASE NUMBER						
010105	FD99-00093						
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 RECORDING OFFICER				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 RD FLOOR ANDREWS AFB, MD 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD88-0006
FD89-00093

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: The applicant's issues deal with her unauthorized phone calls and uniform violations and will be addressed jointly. The applicant contends that she received an Article 15 for making out of town phone calls while on base and that other members of her squadron who did the same thing were not punished. She would like her discharged upgrade and feels like she should have only received a written reprimand. The applicant receives these a her neg individ the cha

discharge ↑ ↑ upgraded

ation of the uniform regulation, AFR 35-10. She has debts. The applicant received an Article 15 for unauthorized telephone service. This Article 15 was suspended in order to go to her place of duty. The DRB opined that through the circumstances, the applicant had ample opportunities to change her behavior, although minor in nature when analyzed in the context of the regulation that could not be tolerated. The Board concluded that the discharge is appropriate due to her misconduct.

The Board's discharge

equity in this case upon which to base an upgrade of

CONCLUSION: The discharge

includes that the discharge was consistent with the applicable regulation and was within the discretion of the Board. The Board 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 AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 1/09/25 UP AFR 39-10, para 5-46 (Misconduct - Pattern of Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 71/07/03. Enlmt Age: 18 6/12. Disch Age: 20 2/12. Educ: HS DIPL. AFQT: N/A M-32, A-79, G-64, E-52. PAFSC: 62330 - Services Specialist. DAS: 90/09/07.

b. Prior Sv: AFRes 90/01/24 - 90/05/13 (3 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 90/05/14 for 4 yrs. Svd: 1 Yrs 4 Mo 12 Das, all AMS.

b. Grade Status: AB - 91/07/10 (ART 15, VACC, 91/09/10)
 AMN - 90/11/14

c. Time Lost: none.

d. Art 15's: (1) 91/09/10, VACC, Griffiss AFB, NY - You did, o/a 3 Sep 91, w/o auth, fail to go at the time prescribed to your appointed place of duty. Rdn to AB. (No appeal) (No mitigation).

(2) 91/0710, Griffiss AFB, NY - You did, on divers occasions between o/a 18 Jun 91 and o/a 23 Jun 91, w/intent to defraud, falsely pretend to the USAF that you were making official business long distance telephone calls, then knowing that the pretenses were false, and by means thereof did wrongfully obtain from the USAF services of a value of about \$82.00, to wit: long distance telephone service. Rdn to AB (susptil 9 Jan 92), forfeiture of \$376 pay per month for two months (susptil 9 Jan 92), and 30 days correctional custody. (No appeal) (No mitigation).

e. CM: none.

f. Record of SV: none.

(Discharged from Griffiss AFB)

g. Awards & Decs: NDSM, AFTR.

FD-99-00093

h. Stmt of Sv: TMS: (1) Yrs (8) Mos (2) Das
TAMS: (1) Yrs (4) Mos (12) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 91/01/10.
(Change Discharge to Honorable)

Issues attached to the Brief.

ATCHS

1. Applicant's Issues.

99/02/23/ia



13 SEP 91

REPLY TO
ATTN OF:

SUBJECT: Letter of Notification - Discharge Under the Provisions of AFR 39-10

TO:

1. I am recommending your discharge from the United States Air Force for misconduct - minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as either honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are your acts of misconduct, as evidenced by the following:

<u>Date</u>	<u>Incident</u>	<u>Action</u>
9 Sep 91	Disobeyed a Lawful Order/Failure to Pay a Just Debt	Letter of Reprimand/UIF, 10 Sep 91
3 Sep 91	Failure to Go	Vacation of Suspended Nonjudicial Punishment, 10 Sep 91
6 Sep 91	Violation of AFR 35-10	Record of Individual Counseling, 9 Sep 91
18 - 23 Jun 91	Obtaining Services Under False Pretenses/Unauthorized Telephone Service	Article 15, 10 Jul 91

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.

3. 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 [redacted] at Depot 1, 2nd floor, extension 2015, on 13 Sep 91 at 1300HRS hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 18 Sep 91 (3 work days), unless you request and receive an exten-

[REDACTED] good cause shown. I will send them to the separation [REDACTED]

- 5. If you fail to consult counsel of ~~to~~ submit statements in your own half, your failure will constitute a waiver of your right to do so.
- 6. You have been scheduled for a medical examination. You must report to the Griffiss AFB Hospital, physical exams section at 0700 hours on 16 Sep 91 for the examination. Uniform of the day is required.
- 7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use at the 416th SVS Unit Orderly Room.
- 8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]

2 Atchs

- 1. Supporting documents for the reason for discharge:
 - a. Ltr of Reprimand/UIF, 10 Sep 91
 - b. AF Form 1058, 10 Sep 91
 - c. AF Form 366, 10 Sep 91, w/1 Atch: Ann's Statement, 6 Sep 91
 - d. AF Form 174, 9 Sep 91
 - e. AF Form 3070, 10 Jul 91, w/5 Atchs:
 - 1. AF Form 3070 Continuation Sheet
 - 2. Ann's Statement, 27 Jun 91, w/5 Atchs:
 - 1. Organizational Detail Report, 24 Jun 91
 - 2. Selection Report, 25 Jun 91
 - 3. Telephone Bill [REDACTED] 25 Apr 91
 - 4. Telephone Bill [REDACTED] 10 May 91
 - 5. Flight Kitchen Duty Schedule, 12-30 Jun 91
- 2. Ann's Acknowledgment of LON