

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]
--	--	---------------------	--------------------------------

TYPE GEN	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE	RECORD REVIEW
YES	No	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
	<input checked="" type="checkbox"/>		

MEMBER SITTING	HON	GEN	UOHC	OTHER	DENY
	[REDACTED]				
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.53	INDEX NUMBER A67.50	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 DATE 13 Apr 2004	CASE NUMBER FD-2002-0034
------------------------------------	------------------------------------

Case heard at Washington, D.C.

Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORD [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
--	---

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 28762-7002
--	---

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2002-0034

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

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) at Dobbins AFB, Georgia, in November, 2002, but did not respond to formal notification of the hearing date and failed to appear without requesting a postponement. The applicant was again scheduled for a personal appearance before the DRB at Fort Gillem, Georgia, in April 2004, but again failed to respond to formal notification of the hearing date and did not request a postponement.

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUES:

Issue. Applicant was discharged for a pattern of misconduct and had received two Articles 15, a Letter of Reprimand, a Record of Individual Counseling, and had an Unfavorable Information File for misconduct. Her infractions included failure to go, disobeying a lawful order, and absenting herself from her place of duty for 2 days. At the time of the discharge action, applicant waived her right to consult counsel or to submit statements in her own behalf. The DRB opined that through the unit's administrative actions, the applicant had opportunities to change her negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge received by the applicant was 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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/10/24 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 78/07/20. Enlmt Age: 18 4/12. Disch Age: 22 3/12. Educ:HS DIPL.
AFQT: N/A. A-59, E-48, G-42, M-33. PAFSC: 2S051 - Supply Management
Journeyman. DAS: 97/07/16.

b. Prior Sv: (1) AFRes 96/12/14 - 97/03/11 (2 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 97/03/12 for 4 yrs. Svd: 03 Yrs 07 Mo 13 Das, all AMS.

b. Grade Status: AMN - 00/10/04 (Article 15, 00/10/04)
SRA - 00/03/12
A1C - (EPR Indicates): 98/11/12-99/11/11
AMN - 97/09/12

c. Time Lost: none.

d. Art 15's: (1) 00/10/04, Offutt AFB, NE - Article 86. You did, on or about 14 Sep 00, without authority, absent yourself from your place of duty at which you were required to be, and did remain so absent until on or about 16 Sep 00. Reduction to Amn, and 30 days extra duty. (No appeal) (No mitigation)

(2) 00/06/05, Offutt AFB, NE - Article 92. You, having knowledge of a lawful order issued by SSgt -----, to wit: "To call in to your appropriate supervisors to find out when you are suppose to report to work," or words to that effect which it was your duty to obey, did, on or about 1 May 00, fail to obey the same. Reduction to A1C (suspended until 5 Sep 00), and 10 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 08 MAY 00 - Failure to go.
RIC, 08 MAY 00 - Failure to go.

f. CM: none.

g. Record of SV: 98/11/12 - 99/11/11 Offutt AFB 4 (Annual)
97/03/12 - 98/11/11 Offutt AFB 4 (Initial)

(Discharged from Offutt AFB)

h. Awards & Decs: AFTR, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (03) Yrs (10) Mos (11) Das

TAMS: (03) Yrs (07) Mos (13) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/01/14.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

none.

02/05/08/ia

FD 2002-0034



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 55TH WING (ACC)
OFFUTT AIR FORCE BASE, NEBRASKA

1 8 OCT 2000

MEMORANDUM FOR 55 WG/CC

FROM: 55 WG/JA

SUBJECT: Legal Review: Administrative Discharge Action--Amn [REDACTED]
[REDACTED] 55 TRNS (ACC)

1. **INITIATION OF ACTION:** On 11 October 2000, 55 TRNS/CC notified Amn [REDACTED] he was recommending she be discharged for Misconduct--Pattern of Misconduct pursuant to AFD 36-32 and AFI 36-3208, paragraph 5.50.2. 55 TRNS/CC further recommends Amn [REDACTED] receive a general discharge without probation and rehabilitation (P&R).

2. **RESPONDENT:** The respondent is a twenty-two year old Inventory Management Journeyman. She has completed three years and seven months of her four year enlistment (TAFMSD: 12 March 1997) and was assigned to her unit on 16 July 1997. This is her first enlistment.

3. **REASONS FOR DISCHARGE:**

a. On or about 12 July 1999, without authority, the respondent failed to go at the time prescribed to her appointed place of duty. For this incident she received a Letter of Reprimand dated 13 July 1999.

b. On or about 4 May 2000, without authority, the respondent failed to go at the time prescribed to her appointed place of duty. For this incident she received a Record of Individual Counseling dated 8 May 2000.

c. The respondent, having knowledge of a lawful order issued by Staff Sergeant [REDACTED] to wit: "To call in to your appropriate supervisors' to find out when you are supposed to report in to work," or words to that effect, an order which it was her duty to obey, did, at or near Offutt Air Force Base, Nebraska, on or about 17 May 2000, fail to obey the same. For this incident she received Nonjudicial Punishment dated 5 June 2000, consisting of reduction to the grade of Airman First Class suspended thru 5 September 2000 and 10 days extra duty. Additionally, an Unfavorable Information File (UIF) was established.

d. The respondent did, on or about 14 September 2000, without authority, absent herself from her place of duty at which she was required to be, to wit: Transition Assistance Program, Building C, Room 126, located at Offutt Air Force Base, Nebraska, and did so remain absent until on or about 16 September 2000. For this incident she received Nonjudicial Punishment dated 4 October 2000, consisting of reduction to the grade of Airman with a new date of rank of

4 October 2000 and 30 days extra duty. Additionally, this Nonjudicial Punishment action was placed in her existing UIF.

4. **RESPONDENT'S SUBMISSION:** By letter dated 16 October 2000, the respondent waived her rights to consult with counsel and to submit a statement.

5. **ERRORS AND IRREGULARITIES:** None.

6. **DISCUSSION:**

a. **Basis for Discharge:** Under AFI 36-3208, paragraph 5.50.2., airmen are subject to discharge for a pattern of misconduct which is prejudicial to good order and discipline. This includes conduct of a nature that tends to disrupt order, discipline, or morale within the military community. The misconduct usually involves causing dissent, disruption, and degradation of mission effectiveness. In this case, the respondent's four incidents of misconduct provide a sufficient basis for discharge.

b. **Appropriateness of Discharge:** Amn [redacted] has committed offenses for which she has received one Record of Individual Counseling, one Letter of Reprimand, and two Nonjudicial Punishment actions. The nature of the four underlying offenses demonstrates an airman who displays an obvious disregard for Air Force regulations and the orders of her superiors. Her misconduct is prejudicial to good order and discipline and discharge is appropriate.

c. **Characterization of Service:** Table 1.3 to AFI 36-3208 provides that discharges for Misconduct--Pattern of Misconduct may be characterized as honorable, general, or under other than honorable conditions. A general discharge is appropriate when significant negative aspects of an airman's conduct or duty performance outweigh positive aspects of the airman's military record. The respondent's four incidents of misconduct clearly outweigh the positive aspects of her military career. Accordingly, a general discharge is appropriate.

d. **Probation & Rehabilitation:** The respondent is eligible for P&R under AFI 36-3208, Chapter 7. The initiating commander does not recommend P&R. Given the respondent's actions, it appears she is unable or unwilling to adhere to Air Force standards of conduct. An additional opportunity for rehabilitation through P&R is not warranted.

e. **Legal Sufficiency:** This action is legally sufficient.

7. **OPTIONS:** As the special court-martial convening authority, you may:

a. Retain the respondent;

b. Approve discharge with a general discharge with, or without, P&R;

c. Return the file to the unit with a recommendation that the respondent be processed for discharge with an under other than honorable conditions discharge; or

d. Forward the file to the general court-martial convening authority with a recommendation for an honorable discharge with, or without, P&R.

8. **RECOMMENDATION:** I recommend the respondent be discharged with a general discharge without P&R and, due to the nature of her discharge, she be barred from Offutt Air Force Base for a period of one year from the date of her discharge.

[REDACTED]

[REDACTED] Colonel, USAF
Staff Judge Advocate

FD 2002-0034



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 55TH WING (ACC)
OFFUTT AIR FORCE BASE, NEBRASKA

11 OCT 2000

MEMORANDUM FOR AMN [REDACTED]

FROM: 55 TRNS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct--Pattern of Misconduct. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 12 July 1999, without authority, you failed to go at the time prescribed to your appointed place of duty. For this incident you received a Letter of Reprimand dated 13 July 1999. (Atch 1-1)

b. On or about 4 May 2000, without authority, you failed to go at the time prescribed to your appointed place of duty. For this incident you received a Record of Individual Counseling dated 8 May 2000. (Atch 1-2)

c. You, having knowledge of a lawful order issued by Staff Sergeant [REDACTED], to wit: "To call in to your appropriate supervisors' to find out when you are supposed to report in to work," or words to that effect, an order which it was your duty to obey, did, at or near Offutt Air Force Base, Nebraska, on or about 17 May 2000, fail to obey the same. For this incident you received Nonjudicial Punishment dated 5 June 2000, consisting of reduction to the grade of Airman First Class suspended thru 5 September 2000 and 10 days extra duty. Additionally, an Unfavorable Information File (UIF) was established. (Atch 1-3)

d. You did, on or about 14 September 2000, without authority, absent yourself from your place of duty at which you were required to be, to wit: Transition Assistance Program, Building C, Room 126, located at Offutt Air Force Base, Nebraska, and did so remain absent until on or about 16 September 2000. For this incident you received Nonjudicial Punishment dated 4 October 2000, consisting of reduction to the grade of Airman with a new date of rank of 4 October 2000 and 30 days extra duty. Additionally, this Nonjudicial Punishment action was placed in your existing UIF. (Atch 1-4)

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 and probably any other branch of the military.

4. 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] Bldg 323C, RM 302, Phone 4-3939, at 0900 on 12 Oct 00. You may consult civilian 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 1200, 16 Oct 00 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 on 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 55th Medical Group, Physical Exams, Room 115, Building 527 (Fairchild Hall), at 1430 on 11 Oct 00 for the examination. Please pick up your medical records 24 hrs prior to your appointment.

8. You have been scheduled for an initial separation appointment. You must report to the 55th Mission Support Squadron, Separations and Retirements Section, Room 235, Bldg 323C, at 1300 on 11 Oct 00 with your escort.

9. You have been scheduled for a pre-separation briefing. You must report to the Family Support Center at _____ on _____ for the briefing.

10. 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 in the unit orderly room.

11. Execute the acknowledgment provided and return it to me immediately.

[REDACTED]
Major, USAF
Commander, 55th Transportation Squadron

Attachments:

- Atch 1-1; Letter of Reprimand dated 13 Jul 99
- Atch 1-2; Record of Individual Counseling dated 8 May 00
- Atch 1-3; Nonjudicial Punishment dated 5 Jun 00
- Atch 1-4; Nonjudicial Punishment dated 4 Oct 00