

TYPE GEN		PERSONAL APPEARANCE			X RECORD REVIEW					
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL					
YES	NO									
	X									
MEMBERS SITTING					VOTE OF THE BOARD					
					HON	GEN	UOTHC	OTHER	DENY	
[REDACTED]										X
[REDACTED]										X
[REDACTED]										X
[REDACTED]										X
[REDACTED]										X
ISSUES A94.05, A93.21, A01.13		INDEX NUMBER A67.10			EXHIBITS SUBMITTED TO THE BOARD					
					1	ORDER APPOINTING THE BOARD				
					2	APPLICATION FOR REVIEW OF DISCHARGE				
					3	LETTER OF NOTIFICATION				
HEARING DATE 02-08-23		CASE NUMBER FD2002-0057			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				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE										
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 [REDACTED]					SIGNATURE OF BOARD PRESIDENT [REDACTED]					
INDORSEMENT					DATE: 02-08-23					
TO: SAF/MIBR 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, 3 RD FLOOR ANDREWS AFB, MD 20762-7002					

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0057

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

The applicant was offered a personal appearance before the Discharge Review Board 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 or that provided by the applicant substantiates an inequity or impropriety that would justify a change of the discharge.

Issues. Applicant was discharged for minor disciplinary infractions. She had three Letters of Reprimand, an Article 15, and an Unfavorable Information File. Member was also placed on the Control Roster. Her misconduct included at least two instances of failure to go, and two incidents of providing false statements or information. Pursuant to an Air Force Office of Special Investigations (AFOSI) investigation, member made a signed sworn statement claiming another military member raped her. After the accused passed an exculpatory polygraph examination and provided other exonerative information, member recanted her statement saying the sexual intercourse had been consensual. Member subsequently told her supervisors and first sergeant regarding an unrelated incident, in an effort to deceive them, that she had been pregnant and had a miscarriage on a specific date on which she sought treatment. This information was also found to be false. The record reflected member was referred to Wilford Hall Medical Center for suicidal ideation and was determined to have an occupational problem. At the time of the discharge, after consulting counsel, member submitted a statement in her own behalf requesting an honorable discharge. Although member had recanted her rape accusations, in her statement to the discharge authority she still claimed she had been raped but had changed her story for fear of reprisal from the accused and his friends. She also noted her desire to receive her G.I. Bill education benefits. The Board noted that member's offenses were serious in nature, and when her misconduct occurred she knew right from wrong and was the same age as other airmen who adhere to the standards. Member was responsible for her actions and was held accountable for them. She was given the opportunity to improve her behavior but failed to respond to those rehabilitative efforts. No inequity or impropriety was found in this discharge in the course of the records review.

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

[REDACTED]

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 02/01/03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 81/10/25. Enlmt Age: 18 6/12. Disch Age: 20 2/12. Educ:HS DIPL. AFQT: N/A. A-61, E-45, G-29, M-20. PAFSC: 3A031 - Information Management. DAS: 01/02/22.

b. Prior Sv: (1) AFRes 00/05/20 - 00/08/01 (2 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 00/08/02 for 4 yrs. Svd: 01 Yrs 05 Mo 02 Das, all AMS.

b. Grade Status: AB - 01/11/15 (Article 15, 01/11/15)
AMN - Unknown.

c. Time Lost: none.

d. Art 15's: (1) 01/11/15, Randolph AFB, TX - Article 86. You, did, on divers occasions between on or about 16 Oct 01 and on or about 19 Oct 01, without authority, fail to go at time prescribed to your appointed place of duty. Reduction to AB. (No appeal) (No mitigation)

e. Additional: LOR, 13 SEP 01 - Failure to go.
LOR, 24 JUL 01 - Making a false official statement.
LOR, 12 JUN 01 - Providing false information.

f. CM: none.

g. Record of SV: none.

(Discharged from Randolph AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (07) Mos (14) Das
TAMS: (01) Yrs (05) Mos (02) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/01/13.
(Change Discharge to Honorable)

Issue 1: Pertaining to Document #1: the only evidence of the rape I have is when I went to see a counselor at Randolph AFB's Life Skills Clinic. The rest was "covered up." There is no medical proof in my records.

Issue 2: Pertaining to Document #2: I was late to work 3 times - Where the last 2 were 6 incidents where I was taking medication that made me drowsy and I overslept. The first time was when I went to the club on a week night. I still have the medication from being put on quarters for eating bad oriental food.

Issue 3: Pertaining to Document #3: (Will send the info as soon as I receive my TMO Shipment 18 Jan 02).

* The VA has a copy of all my medical records *

ATCH
none.

02/07/08/ia

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

26 DEC 2001

MEMORANDUM FOR 12 FTW/CC

FROM: 12 FTW/JA

SUBJECT: Legal Review - Administrative Discharge - [REDACTED]
HQ AFPC

1. I have reviewed the attached discharge file regarding [REDACTED] the respondent, and find it procedurally correct and legally sufficient to support her discharge. This discharge was initiated on 10 Dec 01, pursuant to AFD 36-32 and AFI 36-3208 Chapter 5, Paragraph 5.49, Minor Disciplinary Infractions. Based on the information contained in paragraph 2 of the notification letter, Respondent's commander has recommended a General Discharge.
2. The reasons for discharge are supported by the evidence and are summarized as follows:
 - a. Between 16 Oct 01 and 19 Oct 01, on divers occasions at Randolph AFB, Texas, [REDACTED] failed to go, at the time prescribed, to her appointed place of duty, to wit: HQ AFPC, Building 499. For this action, she received nonjudicial punishment dated 15 Nov 01, which consisted of a reduction to the grade of Airman Basic (E-1).
 - b. On or about 10 Sep 01, at Randolph AFB, Texas, [REDACTED] failed to go, at the time prescribed, to her appointed detail, to wit: Bay Orderly Detail. For this action, she received a Letter of Counseling (LOC) dated 13 Sep 01.
 - c. Between 24 Jun 01 and 27 Jun 01, at Randolph AFB, Texas, [REDACTED] stated that she was two months pregnant and that she had a miscarriage on the night of 26 Jun 01. [REDACTED] communicated this false official statement both verbally and in writing. The statement was intended to deceive her supervisors, the First Sergeant, and Security Forces' personnel. For this action, she received a Letter of Reprimand (LOR) dated 24 Jul 01, an Unfavorable Information File (UIF) was established, and she was placed on a control roster.
 - d. On or about 9 Mar 01, at Randolph AFB, Texas, [REDACTED] provided false information to the Air Force Office of Special Investigations (AFOSI). The information was intended to deceive. For this action, she received a LOR dated 12 Jun 01.
3. The Respondent is a 20-year-old Postal Clerk who enlisted on 2 Aug 00. [REDACTED] has consulted counsel in this action and has submitted matters for your consideration.
4. The case file is free of any errors or irregularities that would substantially prejudice any of the Respondent's substantive or procedural rights.
5. Subject to a medical examination, a copy of which is not in this file, my review indicates that there is sufficient evidence to support the recommended discharge. The Respondent's conduct does

not meet the Air Force's expected standard of conduct. Her actions are inconsistent with continued service in the Air Force. The squadron has attempted to rehabilitate [REDACTED] with appropriate disciplinary actions to include a reduction to Airman Basic (E-1), two LOR's, one LOC, and a UIF. [REDACTED] was also placed on a control roster. The squadron's attempts to rehabilitate were met with continued misconduct.

6. According to AFI 36-3208, paragraph 1.18, an Honorable Discharge is warranted when the quality of the airman's service generally has met Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate. If an airman's service has been honest and faithful, a characterization of General is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record. The commander has recommended a General Discharge. This characterization most accurately describes [REDACTED] Air Force service.

7. [REDACTED] commander [REDACTED] does not recommend probation and rehabilitation in this case. In his opinion, retention in a probationary status would be inconsistent with the maintenance of good order and discipline and would have an adverse impact on morale within the squadron. [REDACTED] seems satisfied to continue down the path of substandard behavior and performance. Her behavior is unacceptable. Continuing [REDACTED] time in the Air Force is futile.

8. As the SPCM convening authority, you may:

- a. Decide the case is without merit and retain the Respondent; or
- b. Order the case initiated again, if you believe separation with an Under Other Than Honorable Conditions Discharge is more appropriate, which will extend the Respondent a right to a board hearing; or
- c. Approve the Respondent's separation with a General Discharge, with or without suspension of the discharge's execution for probation and rehabilitation; or
- d. Forward the file to 19 AF/CC with the recommendation that he direct that the Respondent be discharged with an Honorable Discharge.

9. I recommend that you direct that [REDACTED] be discharged with a General Discharge, without suspension of the discharge's execution for probation and rehabilitation.

[REDACTED]
Major, USAF
Deputy Staff Judge Advocate, 12 FTW

Attachment:
Case File



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

10 Dec 01

MEMORANDUM FOR [REDACTED]

FROM: HQ AFPC/CCQ

SUBJECT: Notification Memorandum—Administrative Discharge

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is Air Force Policy Directive 36-32 and Air Force Instruction 36-3208, Chapter 5, Paragraph 5.49. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending your service be characterized as General.

2. My reasons for this action are as follows:

a. You did, at Randolph AFB, Texas, on divers occasions between 16 Oct 01 and 19 Oct 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: HQ AFPC, Building 499. For these actions, you received nonjudicial punishment dated 15 Nov 01, which consisted of a reduction to the grade of Airman Basic (E-1).

b. You did, at Randolph AFB, Texas, on or about 10 Sep 01, without authority, fail to go at the time prescribed to your appointed detail, to wit: Bay Orderly Detail. For this action, you received a Letter of Counseling (LOC) dated 13 Sep 01.

c. You did, at Randolph AFB, Texas, between 24 - 27 Jun 01, with intent to deceive, make official statements, verbally and in writing to your supervisors, the First Sergeant, and security forces that you were two months pregnant and that you had a miscarriage on the night of 26 Jun 01, which statements were totally false, and was then known by you to be so false. For these actions, you received a LOR dated 24 Jul 01, an Unfavorable Information File (UIF) was established, and you were placed on a control roster.

d. You did, at Randolph AFB, Texas, on or about 9 Mar 01, with intent to deceive, make official statements to the investigators from the Air Force Office of Special Investigations (OSI), detailing events that occurred during the previous weekend and your conduct since your arrival at Randolph AFB, Texas, which statements were totally false, and was then known by you to be so false. For these actions, you received a LOR dated 12 Jun 01.

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 will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult Cap [REDACTED] Area Defense Counsel, Bldg. 399, Room B-40 (7-2274) at 10:00 on 17 Dec 01. 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 13 Dec 01 unless you request and receive an extension, in writing, for showing good cause. I will send them to the separation authority.
6. If you fail to consult counsel or 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 Physical Exam Section at 1400 on 14 Dec 01 for a required examination.
8. You must report to 12 MSS/DPMARS (Separations) within 24 hours of this notification.
9. Any personal information you furnish in rebuttal is covered by the Privacy Act. A copy of AFI 36-3208 is available for your use in the unit personnel office.
10. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
Maj, USAF
Section Commander, HQ AFPC

Attachments:

1. Supporting Documents
 - a. Art 15 dated 15 Nov 01
 - b. LOC dated 13 Sep 01
 - c. LOR dated 24 Jul 01
 - d. UIF dated 24 Jul 01
 - e. control roster dated 24 Jul 01
 - f. LOR dated 12 Jun 01
2. Member's Receipt of Notification Memorandum