

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

|   |           |           |
|---|-----------|-----------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) | GRADE     | AFSN/SSAN |
|   | <b>AB</b> |           |

|                |                                     |  |
|----------------|-------------------------------------|--|
| <b>TYPE</b>    | <b>PERSONAL APPEARANCE</b>          | <b>X RECORD REVIEW</b>                 |
| <b>GEN</b>     | NAME OF COUNSEL AND OR ORGANIZATION | ADDRESS AND OR ORGANIZATION OF COUNSEL |
| <b>COUNSEL</b> |                                     |  |
| YES            | NO                                  |  |
|                | <b>X</b>                            |  |

| MEMBERS SITTING | VOTE OF THE BOARD |     |       |       |      |
|-----------------|-------------------|-----|-------|-------|------|
|                 | HON               | GEN | UOTHC | OTHER | DENY |
|                 |                   |     |       |       | X    |
|                 |                   |     |       |       | X    |
|                 |                   |     |       |       | X    |
|                 |                   |     |       |       | X    |
|                 |                   |     |       |       | X    |

|                                 |                                   |  |
|---------------------------------|-----------------------------------|--|
| ISSUES<br><b>A92.37, A94.53</b> | INDEX NUMBER<br><b>A67.50</b>     | <b>EXHIBITS SUBMITTED TO THE BOARD</b>                       |
|                                 |                                   | <b>1</b> ORDER APPOINTING THE BOARD                          |
|                                 |                                   | <b>2</b> APPLICATION FOR REVIEW OF DISCHARGE                 |
|                                 |                                   | <b>3</b> LETTER OF NOTIFICATION                              |
| HEARING DATE<br><b>02-10-02</b> | CASE NUMBER<br><b>FD2002-0181</b> | <b>4</b> 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.

|  |  |
|--|--|
| <b>INDORSEMENT</b>   | <b>DATE: 02-10-02</b>  |
| TO: SAF/MIBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742 | FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, 3 <sup>RD</sup> FLOOR<br>ANDREWS AFB, MD 20762-7002 |

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0181

**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 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.

**Issues.** Applicant was discharged for a pattern of misconduct prejudicial to good order and discipline. She had four Letters of Reprimand, a Record of Individual Counseling, an Article 15, a vacation of suspended punishment, and an Unfavorable Information File. Her misconduct included nine instances failure to report to work on time, two instances of wearing an unauthorized tongue ring, dereliction of duty, failed room inspection and dress and appearance violations, and displaying unprofessional behavior. These offenses occurred over a 10-month period and although member was counseled repeatedly and given numerous opportunities to improve and change her negative behavior, she was unable or unwilling to do so. At the time of the discharge, applicant submitted a statement requesting retention. The Board found applicant's repeated misconduct was a significant departure from the standards expected of all airmen, therefore, no inequity or impropriety was found in her 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

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 02/01/03 UP AFI 36-3208, para 5.50.2 (Misconduct - Patter of Misconduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 78/02/09. Enlmt Age: 22 4/12. Disch Age: 23 10/12. Educ: HS DIPL . AFQT: N/A. A-69, E-54, G-48, M-39. PAFSC: 3MO31 - Services Apprentice. DAS: 00/10/13.

b. Prior Sv: (1) AFRes 00/06/27 - 00/07/05 (9 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AMN 00/07/06 for 6 yrs. Svd: 1 Yr 5 Mos 28 Das, all AMS.

b. Grade Status: AB - 01/30/20 (Vacation of Article 15, 01/09/20).

c. Time Lost: None.

d. Art 15's: (1) 01/09/20, Vacation, Hickam AFB, HI, Article 86. You, did, on or about 19 Aug 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Hale Aina Dining Facility, Building 1860. Reduction to the grade of AB. (Appeal denied). (No mitigation).

(2) 01/03/20, Hickam AFB, HI, Article 92. You, did, on or about 3 Mar 2001, violate a lawful general regulation, to wit: Table 2.5, Item 7, Air Force Instruction 36-2903, Dress and Personal Appearance of Air Force Personnel, dated 8 June 1998, by wrongfully attaching a metal object through your tongue. Suspended reduction to the grade of AB, 15 days extra duty, and a reprimand. (No appeal). (No mitigation).

e. Additional: LOR, 2 MAY 01 - Dereliction of duty.  
LOR, 8 FEB 01 - Failure to obey a lawful regulation.  
LOR, 22 Jan 01 - Failure to meet dress and appearance standards, and failed dorm inspection.  
RIC, 28 DEC 00 - Failure to report for duty on time.  
LOR, 7 NOV 00 - Failure to report for duty on time.

f. CM: none.

g. Record of SV: None.

(Discharged from Hickam AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yr (6) Mos (7) Das  
TAMS: (1) Yr (5) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/01/22.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**  
None

02/08/07/cr



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

FD 2002-0181

17 Dec 01

MEMORANDUM FOR 15 ABW/CC

FROM: 15 ABW/JA

SUBJECT: Administrative Discharge Legal Review -- AB [REDACTED]

am  
24 Dec 01

1. **ISSUE:** On 7 Dec 01, [REDACTED], 15 SVS Commander, recommended that AB [REDACTED] be administratively discharged from the United States Air Force for a pattern of misconduct. Authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, paragraph 5.50.2. Lt [REDACTED] recommends a General discharge characterization, without Probation and Rehabilitation (P&R). [REDACTED] is not entitled to an administrative discharge board hearing.

2. **OPTIONS:** As the separation authority, you may:

- a. Direct retention of [REDACTED], if her retention is in the best interest of the Air Force; or
- b. Direct separation with an Honorable characterization, with or without P&R; or
- c. Direct separation with a General characterization, with or without P&R; or
- d. Direct separation with a Under Other Than Honorable Conditions (UOTHC), with or without P&R; or

c. Direct an administrative discharge board to convene. Due to the length of service, member is not entitled to a discharge board unless a UOTHC is recommended. If convened, the discharge board will determine whether a basis for discharge exists, an appropriate discharge characterization, and if P&R is appropriate.

3. **FACTS:** I have reviewed the proposed separation action against [REDACTED], and find it procedurally and legally sufficient to support separation, subject to insertion of her medical examination in the record.

a. **GOVERNMENT'S CASE:** This discharge action is based on [REDACTED]'s pattern of misconduct, which began while she was assigned to the 15 Services Squadron. Misconduct from her military record is as follows:

On 15 Oct 00, 17 Oct 00, 18 Oct 00, 27 Oct 00, 3 Nov 00, and 6 Nov 00, she failed to report for duty at the prescribed time. For these offenses, she received a Letter of Reprimand (LOR), dated 7 Nov 00.

On 19 Dec 00, she failed to report for duty at the prescribed time. For this offense, she was verbally counseled.

On 28 Dec 00, she failed to report for duty at the prescribed time. For this offense, she received a Record of Individual Counseling (RIC), dated 28 Dec 00.

On 16 Jan 01, she failed a dorm inspection and failed to meet minimum dress and appearance standards. For these offenses, she received a LOR, dated 22 Jan 01.

On 8 Feb 01, she failed to obey a direct order and violated a lawful general regulation by wrongfully attaching a metal object through her tongue. For this offense, she received a LOR, dated 8 Feb 01.

On 26 Feb 01, due to prior misconduct, an Unfavorable Information File (UIF) was established.

On 3 Mar 01, she violated a lawful general regulation by wrongfully attaching a metal object through her tongue. For this offense, she received an Article 15, dated 20 Mar 01. She received punishment consisting of a suspended reduction to E-1 (Airman Basic), 15 days extra duty, and a reprimand.

On 7 Apr 01, she displayed unprofessional behavior. For this offense, she was verbally counseled.

On 9 and 10 Apr 2001, she was derelict in her duties. For these offenses, she received a LOR, dated 2 May 01.

On 19 Aug 01, she failed to report for duty at the prescribed time. For this offense, her suspended reduction was vacated, dated 20 Sep 01. In addition, she also received an Article 15, dated 20 Sep 01. She received punishment consisting of a suspended forfeitures of \$521.00 pay per month for two months and 30 days extra duty.

v. **RESPONDENT'S CASE:** AB Edwards acknowledged receipt of the Letter of Notification, dated 7 Dec 01. On 12 Dec 01, AB ██████ submitted a two page personal statement and a one page character statement from a Tripler Army Medical Center clinical director. In her response, she details the underlying reasons for her misconduct, and states that she has made significant improvements and corrected her past problems. AB ██████ requests retention in the Air Force. She did not request P&R.

4. **DISCUSSION:** Under AFI 36-3208, para. 5.50.2, a member of the Air Force may be discharged for a pattern of misconduct that tends to disrupt order, discipline, or morale within the military community. AB [REDACTED] wishes to remain in the Air Force. However, AB [REDACTED] has received repeated counseling for failing to report for duty on time, being derelict in the performance of her duties, as well as having a UIF being established. AB [REDACTED] only addresses a few of the many incidents that resulted in administrative action against her, in her letter to [REDACTED]. [REDACTED] insists that in the last four months she has made significant improvements in her behavior; this is refuted by the fact that AB [REDACTED] has been derelict in her duties in this time frame. Although she states a desire to remain in the military, and to be given "one more chance," the unit feels that they have given her more than her share of chances. In the end, her repeated disregard of Air Force standards is firm evidence that AB [REDACTED] does not possess the discipline necessary to maintain a career in the military. It is also evident that numerous attempts by her unit to use measures designed to correct this misconduct and save her career have been rejected at every turn by AB [REDACTED], until now. Overall, her misconduct has only served repeatedly to reduce mission effectiveness, and thus, her retention in the Air Force is not warranted.

5. **DISCHARGE CHARACTERIZATION:** According to AFI 36-3208, the discharge of airmen for misconduct, without opportunity for an administrative discharge board hearing, may be characterized as either Honorable, General (Under Honorable Conditions), or UOTHC. Per AFI 36-3208, paragraph 1.18.2, an Honorable characterization is warranted when the quality of an 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. A General discharge is appropriate where significant negative aspects of the airman's conduct, performance, or duty outweigh the positive aspects of the airman's military record. AB [REDACTED] numerous incidents of misconduct clearly outweigh the favorable information contained within her military record. Finally, an UOTHC discharge is another option; however, it is reserved for behavior that is a significant departure from expected conduct and allows the respondent to have a board hearing. AFI 36-3208, paragraph 1.18.3, lists examples of misconduct appropriate for a UOTHC discharge which includes the use of force to produce bodily injury or death, abuse of a special position, abuse of subordinate relationships, acts or omissions that endanger the security of the United States, or acts that endanger the health and safety of others. AB [REDACTED] misconduct, while serious, does not rise to the level of behavior that would warrant a UOTHC, and therefore, an administrative discharge board is not warranted. Based upon all of the facts available in AB [REDACTED] case, a General discharge for a pattern of misconduct is appropriate. [REDACTED] has recommended that [REDACTED] receive a General discharge. I concur.

6. **PROBATION AND REHABILITATION:** [REDACTED] has received 2 Article 15s, 1 vacation action, 4 Letters of Reprimand, 1 Record of Individual Counseling, verbal counseling on 2 documented occasions, and remains on a UIF. Her repeated disregard of Air Force standards is evidence that she lacks the will and commitment necessary to maintain a career in the military. The amount of misconduct compared with her relatively short term of military service is a clear indication of this member's inability to meet military standards. [REDACTED]

feels that her service in the Air Force has significantly improved and that her misconduct isn't serious enough to end her career. Rehabilitative measures have been unsuccessful and there is no evidence that further attempts at rehabilitation will be effective. Her commander has recommended against granting P&R. I concur.

7. ERRORS AND IRREGULARITIES: None noted.

8. RECOMMENDATION: Based on the above facts and discussion, I recommend you direct the separation of [REDACTED] with a General characterization, without P&R, by signing the action letter at Tab 1.

[REDACTED]  
[REDACTED], Colonel, USAF  
Staff Judge Advocate, 15th Air Base Wing



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

7 Dec 01

MEMORANDUM FOR AB [REDACTED]

FROM: 15 SVS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct that is prejudicial to good military order and discipline. Authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If this discharge action is approved, your service will be characterized as either Honorable, General, or Under Other Than Honorable Condition. I am recommending that your service be characterized as General.

2. My reasons for this action are as follows:

a. On 15 Oct 00, 17 Oct 00, 18 Oct 00, 27 Oct 00, 3 Nov 00, and 6 Nov 00, you failed to report for duty at the prescribed time. For these offenses, you received a Letter of Reprimand (LOR), dated 7 Nov 00.

b. On 19 Dec 00, you failed to report for duty at the prescribed time. For this offense, you were verbally counseled.

c. On 28 Dec 00, you failed to report for duty at the prescribed time. For this offense, you received a Record of Individual Counseling (RIC), dated 28 Dec 00.

d. On 16 Jan 01, you failed a dorm inspection and failed to meet minimum dress and appearance standards. For these offenses, you received a LOR, dated 22 Jan 01.

e. On 8 Feb 01, you failed to obey a direct order and violated a lawful general regulation by wrongfully attaching a metal object through your tongue. For this offense, you received a LOR, dated 8 Feb 01.

f. On 26 Feb 01, due to prior misconduct, an Unfavorable Information File (UIF) was established.

g. On 3 Mar 01, you violated a lawful general regulation by wrongfully attaching a metal object through your tongue. For this offense, you received an Article 15, dated 20 Mar 01. You received punishment consisting of a suspended reduction to E-1 (Airman Basic), 15 days extra duty, and a reprimand.

h. On 7 Apr 01, you displayed unprofessional behavior. For this offense, you were verbally counseled.

i. On 9 and 10 Apr 2001, you were derelict in your duties. For these offenses, you received a LOR, dated 2 May 01.

j. On 19 Aug 01, you failed to report for duty at the prescribed time. For this offense, your suspended reduction was vacated, dated 20 Sep 01. In addition, you also received an Article 15, dated 20 Sep 01. You received punishment consisting of a suspended forfeitures of \$521.00 pay per month for two months and 30 days extra duty.

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 higher authority will decide whether you will be discharged or retained in the Air Force. The commander will also decide how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and can be denied enlistment in any component of the United States Armed Forces. Additionally, you will be ineligible for any special pay, bonus, or education assistance offered by the Armed Forces.

3. You have the right to consult legal counsel. Capt. [REDACTED], Area Defense Counsel, Building 1113, 449-2149, has been obtained to assist you. An appointment has been scheduled for you to consult him on 7 Dec 01 at 1000 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 12 Dec 01 unless you request and receive an extension for good cause shown. I will forward any statements to the separation authority.

5. If you fail to consult counsel or to submit statements on your own behalf, your failure to do so will constitute a waiver of this privilege.

6. You have been scheduled for a medical examination. You will report to Physical Exams at the 15<sup>th</sup> Medical Group on 10 Dec 01 at 0840 hours and at 0920 hours for your examination.

7. You must contact Separations, **in uniform**, located in the Military Personnel Flight, at 449-2276, ext. 149 or 141, **within 24 hours** of receipt of this letter to set up an initial separations appointment. During this appointment you will surrender your (including family members) active Duty ID card(s), and temporary ID(s) will be issued.

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 through your Commander's Support Staff.

9. Execute the attached acknowledgment and return it to me immediately.

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.



[Redacted], Lt Col, USAF  
Commander

Attachments:

1. LOR, 7 Nov 00
2. RIC, 28 Dec 00
3. LOR, 22 Jan 01
4. LOR, 8 Feb 01
5. AF Form 1058 UIF Action, 26 Feb 01
6. Article 15, 20 Mar 01
7. LOR, 2 May 01
8. Vacation Action, 20 Sep 01
9. Article 15, 20 Sep 01
10. AF Form 1137, UIF Summary