

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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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 A92.37, A94.33, A92.21	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 02-09-17	CASE NUMBER FD2002-0200	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]
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INDORSEMENT	DATE: 02-09-17
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0200

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for discharge, and to change her reenlistment code.

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 and change of reason, authority, and reenlistment code are denied.

The Board finds that neither the evidence of record or that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for minor disciplinary infractions. She was two AETC Forms 173, "Student Record of Counseling," and six Letters of Reprimand. Her misconduct included failure to go, failure to obey a lawful order, a dormitory inspection violation, disrespect to superior noncommissioned officers, provoking speech, and sleeping in class. At the time of the discharge, after consulting counsel, member submitted a statement in her own behalf accepting responsibility for her unacceptable behavior and requesting another chance to prove her commitment to the AF. Applicant essentially takes the same approach now, and notes she has matured since separating, and is involved in various community activities. The Board noted that member was the same age as other airmen who adhere to the standards when her misconduct occurred, and she knew right from wrong. She was responsible for her actions, and therefore was held accountable for them. She was counseled repeatedly and given numerous opportunities 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.

The applicant cited her desire to return to military service. While the Board commends applicant on this desire as well as her post-service accomplishments, and is sympathetic to the impact a General discharge has on her reenlistment code, this is not a matter of equity or propriety that warrants an upgrade.

If the applicant can provide additional information about her discharge, and documented evidence to substantiate an inequity or impropriety, she should consider exercising her right to a personal appearance hearing, and be prepared to present the Board with evidence of an inequity or impropriety as well as her exemplary post-service accomplishments and contributions to the community.

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) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 99/03/18 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the Reason and Authority for Discharge, and Change the RE Code.

2. **BACKGROUND:**

a. DOB: 80/08/29. Enlmt Age: 17 9/12. Disch Age: 18 6/12. Educ:HS DIPL. AFQT: N/A. A-25, E-34, G-39, M-25. PAFSC: 3M011 - Services Helper. DAS: 98/06/24.

b. Prior Sv: none.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 98/06/24 for 4 yrs. Svd: 00 Yrs 08 Mo 25 Das, all AMS.

b. Grade Status: none.

c. Time Lost: none.

d. Art 15's: none.

e. Additional: AETC 173, 09 FEB 99 - Failure to maintain room in inspection order.
 AETC 173, 09 FEB 99 - Dereliction of duty and found absent from place of duty.
 LOR, 11 FEB 99 - Sleeping in class.
 LOR, 11 FEB 99 - Missing movement.
 LOR, 12 FEB 99 - Disrespect towards a Superior Commissioned Officer.
 LOR, 17 FEB 99 - Provoking speeches or gestures.
 LOR, 22 FEB 99 - Failure to obey an order.
 LOR, 22 FEB 99 - Failure to go.

f. CM: none.

g. Record of SV: none.

(Discharged from Lackland AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (00) Yrs (08) Mos (25) Das
 TAMS: (00) Yrs (08) Mos (25) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/05/06.

(Change Discharge to Honorable, Change the Reason and Authority for Discharge, and Change the RE Code)

Issue 1: Ms ----- takes full responsibility for the immature behavior that resulted in her separation from the Air Force before her normal end of enlistment. She believes she has significantly matured. An example of her maturity is that she attends ----- Community College and is involved in a mentoring program. Finally, she is involved in the African American Chamber of Commerce. All of this adds up to portray a responsible mature citizen. She is seeking a change in her reentry code that would permit her to re-enlist.

ATCH

1. DD Form 214.

02/08/16/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD2002-0200

10 MAR 1999

MEMORANDUM FOR 37 TRG/CC

FROM: 37 TRW/JA ([REDACTED])

SUBJECT: Legal Review of Proposed Discharge of [REDACTED]
[REDACTED], under AFI 36-3208, Paragraph 5.49

- 1. LEGAL SUFFICIENCY:** I have reviewed the administrative discharge case file regarding [REDACTED], the Respondent. The proposed discharge is supported by a preponderance of the evidence, and there are no errors that prejudice a substantial right of the Respondent. Therefore, the file is legally sufficient subject to a medical determination that the Respondent is qualified for worldwide duty and separation.
- 2. BASIS FOR DISCHARGE AND REHABILITATIVE MEASURES:** The 344th Military Training Flight Commander, [REDACTED], recommends the Respondent be discharged from the Air Force under AFI 36-3208, Paragraph 5.49, Misconduct, Minor Disciplinary Infractions with an Under Honorable Conditions (General) discharge. The basis for the proposed discharge consists of eight disciplinary infractions to include failing to maintain her room in inspection order, leaving her place of duty, sleeping in class, missing mandatory formations, disrespect towards a superior commissioned officer, using provoking words and gestures towards an airman, and violating squadron phase policy. For these infractions she received two AETC Form 173's and six Letters of Reprimand (LORs).
- 3. SERVICE HISTORY:** The Respondent has been on active duty for eight months and has received no enlisted performance reports.
- 4. RESPONDENT'S CASE:** The Respondent consulted counsel and submitted statements for your consideration. The Respondent states that she accepts responsibility for her history of unacceptable behavior and would like another chance to prove she is committed to the Air Force. She also requests to meet with you to discuss her desire to remain in the Air Force.
- 5. CHARACTERIZATION OF SERVICE AND P&R:** If you determine there are sufficient grounds to discharge the Respondent, you must decide whether she should be retained or discharged. In my opinion, there is a sufficient basis for discharge. If you choose to separate the Respondent, you must also decide the proper service characterization. A General characterization is appropriate in this case because the negative aspects of her conduct outweigh the positive elements of her military record. I believe P&R is not appropriate in this case given the Respondent's poor response to prior rehabilitative efforts.

Attorney Work Product

This is a privileged document. It will not be released in whole or in part without the approval of the Staff Judge Advocate.

6. **OPTIONS:** As the Separation Authority, you may:

- a) retain the Respondent;
- b) order a discharge with a General service characterization, with or without P&R;
- c) forward the discharge package to the 2 AF/CC recommending an Honorable discharge with or without P&R; or
- d) direct reinitiation of discharge processing to pursue an Under Other Than Honorable Conditions characterization.

7. **RECOMMENDATION:** I recommend that you order a discharge with a service characterization of Under Honorable Conditions (General), without P&R. If you concur, please sign the attached proposed memorandum directing a discharge as discussed above.

[REDACTED]

[REDACTED], Col, USAF
Staff Judge Advocate

Attachment:
Discharge Package

Attorney Work Product

This is a privileged document. It will not be released in whole or in part without the approval of the Staff Judge Advocate.

FD 2002-0200



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

3 MAR 1999

MEMORANDUM FOR A1C [REDACTED], 344 TRS

FROM: 344 TRS/DOM


SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for **Misconduct, 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 19 Jan 99, you violated Article 92 of the UCMJ (Failure to Obey an Order or Regulation) to wit: you failed to maintain your dormitory room in inspection order. You received counseling which was documented on an AETC Form 173 dated 19 Jan 99.
- b. On or about 9 Feb 99, you violated Article 92 of the UCMJ (Failure to Obey an Order or Regulation) to wit: you were derelict in duty performance when found absent from your place of duty. You received counseling which was documented on an AETC Form 173 dated 9 Feb 99.
- c. On or about 10 Feb 99, you violated Article 92 of the UCMJ (Failure to Obey an Order or Regulation) to wit: you were sleeping in class. You received an LOR dated 11 Feb 99.
- d. On or about 10 Feb 99, you violated Article 87 of the UCMJ (Missing Movement) to wit: you failed to fall out for formation and physical conditioning. You received an LOR dated 11 Feb 99.
- e. On or about 12 Feb 99, you violated Article 89 of the UCMJ (Disrespect Towards a Superior Commissioned Officer) to wit: you responded inappropriately when addressed by a commissioned officer. Also you were not at attention when spoken to by a commissioned officer. You received an LOR dated 12 Feb 99.
- f. On or about 6 Feb 99, you violated Article 117 of the UCMJ (Provoking Speeches or Gestures) to wit: you called a female student leader "bitch." You received an LOR dated 17 Feb 99.

- g. On or about 20 Feb 99, you violated Article 92 of the UCMJ (Failure to Obey an Order or Regulation) to wit: you violated the Phase Program by wearing civilian clothes outside of the dormitory. You received an LOR dated 22 Feb 99.
- h. On or about 22 Feb 99, you violated Article 86 of the UCMJ (Failure to Go) to wit: you failed to attend a mandatory breakfast formation for Phase I Airmen. You received an LOR dated 22 Feb 99.
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. If you are discharged, you will be ineligible for re-enlistment in the Air Force.
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 the Area Defense Counsel (ADC) at Bldg 1000 2nd floor on 4 Mar 99 at 1000. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by (allow 3 workdays) 8 Mar 99 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. 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 344 TRS Orderly Room.
8. Execute the attached acknowledgment and return it to me immediately.


1Lt, USAF
Commander, Military Training Flight

Attachment:

1. Copy of AETC Form 173 dated 19 Jan 99.
2. Copy of AETC Form 173 dated 9 Feb 99.
3. Copy of LOR dated 11 Feb 99.
4. Copy of LOR dated 11 Feb 99.
5. Copy of LOR dated 12 Feb 99.
6. Copy of LOR dated 17 Feb 99.
7. Copy of LOR dated 22 Feb 99.
8. Copy of LOR dated 22 Feb 99.