






AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE AMN	AFSN/SSAN 
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TYPE	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	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A93.09	INDEX NUMBER A67.90	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
		4	BRIEF OF PERSONNEL FILE	
HEARING DATE 23 OCT 02	CASE NUMBER FD2002-0222		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 RATIONAL 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, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER 	SIGNATURE OF BOARD PRESIDENT 
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INDORSEMENT	DATE: 23 OCT 02
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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

FD02-0222

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.

ISSUE: The applicant does not contest the discharge; she states that would like to receive her G.I. Bill benefits. The record indicates the applicant received an Article 15 for failure to go and failing to notify her superiors of her location while on standby. She also received a Vacation action of a suspended reduction in grade for dishonorably failing to pay a just debt. In addition, she received four Letters of Reprimand for being late for work, failure to follow leave procedures, failure to meet a mandatory appointment, and financial irresponsibility. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, she signed a statement (DD Form 2366, dated 27 October 1993) that she understood she must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be 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 or change the reason for 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]
[REDACTED]

(Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 97/08/14 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 75/02/10. Enlmt Age: 18 6/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-86, E-71, G-68, M-31. PAFSC: 3P031 - Security Apprentice. DAS: 94/05/13.

b. Prior Sv: (1) AFRes 93/08/16 - 93/10/18 (2 Mos 3 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 93/10/19 for 4 yrs. Svd: 3 Yrs 9 Mo 26 Das, of which AMS is 3 Yrs 9 Mos 6 Das (ex. 20 Das lost time).

b. Grade Status: AMN - 97/07/07 (SCM, 97/07/02)
AIC - 96/12/06 (Vacation of Article 15, 97/05/12)
SRA - 96/10/19
AIC - 95/02/19
AMN - 94/04/19

c. Time Lost: 23 Jun 97 - 12 Jul 97.

d. Art 15's: (1) 97/05/12, Vacation, Malmstrom AFB, MT, Article 134. You, being indebted to The -----, in the sum of \$262.04 for credit purchases, which amount became due and payable on or about 1 Oct 96, did at or near Great Falls, Montana, from on or about 6 Dec 96 to on or about 16 Apr 97, dishonorably fail to pay said debt. Reduction to the grade of AIC. (Appeal denied) (No mitigation).

(2) 96/12/06, Malmstrom AFB, MT, Article 86. You, did on or about 8 Nov 96, without authority, fail to go at the time prescribed to your place of duty, to wit: Combat Arms Training & Maintenance, Bldg #1895. Article 92. You who knew of your duties, on or about 9 Nov 96, were derelict in your duties in that you failed to notify your superiors of your location while on standby. Suspended reduction to the grade of AIC, forfeiture of \$100 pay per month for 2 months, restriction to Malmstrom Air Force Base, Montana for 30 days, and 30 days extra duty. (Appeal denied)

(No mitigation).

- e. Additional: LOR, 6 JUN 97 - Late for work.
 LOR, 17 OCT 96 - Failure to follow leave procedures.
 LOR, 14 OCT 96 - Failure to meet a mandatory appointment.
 LOR, 11 OCT 96 - Financial irresponsibility.

- f. CM: Summary Court Martial - 1997 June 23.

CHARGE 1: Article 92. Plea: Not Guilty. Finding: Guilty.

Specification: Having knowledge of a lawful order issued by -----, to wit: "stay in your room and sleep for the rest of the night," or words to that effect, an order which it was her duty to obey, did at or near Malmstrom Air Force Base, Montana, on or about 30 May 77, fail to obey same by wrongfully failing to remain in her dormitory room.

CHARGE II: Article 111. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near the main gate of Malmstrom Air Force Base, Montana, on or about 30 May 77, physically control a vehicle, to wit: a passenger car, while impaired by 0.10 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis.

ADDITIONAL CHARGE: Article 86. Plea: Guilty. Finding: Guilty.

Specification: Did, at Malmstrom Air Force Base, Montana, on or about 19 Jun 97, without authority, fail to go at the time prescribed to her appointed place of duty, to wit: 490th Missile Squadron, Building number 500. Sentence approved by convening authority on 97/07/02. Ten days confinement, nine days hard labor without confinement, suspended forfeiture of \$673.00 for one month, and reduction to the grade of AMN.

- g. Record of SV: 93/10/19 - 95/06/18 Malmstrom AFB 3 (Initial)
 95/06/19 - 96/06/18 Malmstrom AFB 4 (Annual)

(Discharged from Malmstrom AFB)

- h. Awards & Decs: AFAM, NDSM, AFTR, AFOUA (1OLC).

- i. Stmt of Sv: TMS: (3) Yrs (11) Mos (9) Das
 TAMS: (3) Yrs (9) Mos (6) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/05/13.
 (Change Discharge to Honorable)

Issues: I am appealing my General under Honorable discharge. I was in service for three years, nine months, and 26 days. I also volunteered for a TDY in Saudi Arabia from June 1996-September 1996. Unfortunately many had to go

above and beyond the call of duty on June 26, 1996. I received an Achievement medal for my duties. I would like to be able to take full advantage of the G.I. Bill, which was the reason for joining the Air Force, but I am being held back due to the discharge I received. Please take this appeal into deep consideration and grant me the full use of my veteran benefits.

ATCH

1. Applicant's Issues.

02/08/26/cr



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 341ST MISSILE WING (AFSPC)

FD 2002-0272



MEMORANDUM FOR 341 MW/CC

FROM: 341 MW/JA

SUBJECT: Legal Review, Administrative Discharge Action [REDACTED]

1. **ACTION:** Administrative discharge action was initiated on 21 Jul 97 against [REDACTED] (the Respondent) under the provisions of AFI 36-3208, Chapter 5, Section H, paragraph 5.50.2, for A Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline. Under AFI 36-3208, paragraph 6.2, the Respondent is not entitled to a board hearing. [REDACTED] 490 MS/CC, has recommended a General discharge without probation and rehabilitation.

2. **PERSONAL DATA:**

- a. Date and Term of Current Enlistment: 19 Oct 93, 4 Years
- b. Age: 22
- c. Pay Date: 19 Oct 93
- d. TAFMSD: 19 Oct 93
- e. Overall Ratings on Performance Reports: 18 Jun 96 - 4, 18 Jun 95 - 3

3. **EVIDENCE FOR THE GOVERNMENT:** The following provides the basis for discharge and may be considered on the issues of retention and service characterization.

a. On or about 7 Sep 96, the Respondent departed the local area without following the proper procedures for taking leave and failed to received a leave number. Also, she failed to let her flight and squadron leaderships know her whereabouts. For this misconduct she received a Letter of Reprimand (LOR) on 17 Oct 97. This action generated an Unfavorable Information File (UIF) and the LOR was placed in it.

b. On or about 3 Oct 96, the Respondent failed to go to a mandatory appointment: M-16 SRC Firing. For this misconduct she received an LOR on 14 Oct 97. This action generated a UIF and the LOR was placed in it.

c. On or about 11 Oct 96, the Respondent was reprimanded for not making her DPP payments while she was TDY. For this misconduct she received an LOR on 11 Oct 96. This action generated a UIF and the LOR was placed in it.

d. On or about 8 Nov and 9 Nov 96, the Respondent failed to go at the time prescribed to her place of duty, to wit: Combat Arms Training and Maintenance, Bldg 1895. Also, she was derelict in her duties in that she failed to notify her superiors of her location while on standby. For this misconduct the Respondent received an Article 15 on 5 Dec 96 which included: Reduction to the grade of airman first class, suspended until 5 Jun 97, after which time it will be remitted without further action, unless sooner vacated, forfeiture of \$100 pay per month for 2 months, restriction to Malmstrom AFB for 30 days, and 30 days extra duty. This action was placed in her existing UIF.

e. Between or and about 1 Oct 96 and 16 Apr 97, the Respondent dishonorably failed to pay a just debt to The Bon Marche, in the sum of \$262.04 for credit purchases. For this misconduct she received a Vacation Action on 9 May 97 which included reduction to the grade of airman first class, with a new date of rank 6 Dec 96.

f. On or about 6 Jun 97, the Respondent failed to go to her appointed place of duty at the prescribed time. For this misconduct she received an LOR on 6 Jun 97. This action was placed in her existing UIF.

g. On or about 30 May 97, the Respondent, having knowledge of a lawful order issued by Lt Col [REDACTED] that she remain in her dorm room for the night, disobeyed that order by wrongfully failing to remain in her room. She also physically controlled a passenger vehicle at the Malmstrom AFB main gate while impaired by 0.10 grams of alcohol per 210 liters of breath. Finally, on or about 19 Jun 97, the Respondent failed to go at the prescribed time to her appointed place of duty. The charges for this misconduct were referred to a Summary Court-Martial. The court, held on 23 Jun 97, found her guilty of the charge and sentenced her to reduction to the grade of E-2, forfeiture of 2/3 pay for 1 month, with recommendation to the convening authority that the forfeitures be suspended, and 20 days confinement and 9 days hard labor without confinement.

4. **EVIDENCE FOR THE RESPONDENT:** The Respondent chose to exercise her right to consult military counsel, and chose to submit matters for your consideration. (See Atch 4 of Tab 3).

5. **OPTIONS:**

a. Disapprove the discharge action and direct the Respondent be retained in the United States Air Force.

b. Recommend to 20 AF/CC the Respondent be discharged for A Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline, under the provisions of AFI 36-3208, Chapter 5, Section H, paragraph 5.50.2 with an Honorable discharge with or without probation and rehabilitation.

c. Approve the discharge and direct the Respondent be discharged for A Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline, under the provisions of AFI 36-3208, Chapter 5, Section H, paragraph 5.50.2, with a General discharge with or without probation and rehabilitation.

d. Recommend the Respondent be discharged with an Under Other Than Honorable Conditions discharge with or without probation and rehabilitation. If you determine that this is the appropriate disposition of this case, you must return the file for discharge board processing.

6. **DISCUSSION:**

a. The file is legally sufficient to support Lt.Col [REDACTED] recommendation that the Respondent receive a General discharge. The Respondent departed the local area failing to obtain a leave number and notify the squadron leadership of her whereabouts, failed to go to her appointed place of duty on four occasions, and failed to pay a just debt on two occasions. The Respondent disobeyed an order from her commander to remain in her dorm room for the night and also operated a vehicle at the Malmstrom AFB main gate while impaired by 0.10 grams of alcohol per 210 liters of breath.

b. A General discharge characterization is appropriate as there have been significant negative aspects of the Respondent's conduct on and off duty which outweigh the positive.

c. The Respondent's commander recommended against probation and rehabilitation. Considering the continual misconduct of the Respondent, probation and rehabilitation is not appropriate.

7. **RECOMMENDATION:** That you approve the discharge as recommended by Lt Col [REDACTED] and discharge A1C [REDACTED] under the provisions of AFI 36-3208, Chapter 5, Section H, paragraph 5.50.2, for A Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline with a General discharge without probation and rehabilitation.

[REDACTED]
[REDACTED] Lt Col, USAF
Staff Judge Advocate

Attachment:

Case File - A1C [REDACTED]

FD2002-0222



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 341ST MISSILE WING (AFSPC)



MEMORANDUM FOR 490 MS

ATTN: A1C [REDACTED]

121 JUL 1997

FROM: 490 MS/CC

SUBJECT: Notification Memorandum - A1C [REDACTED]

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, Section H, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as General or Under Other Than Honorable Conditions. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On or about 7 Sep 96, you departed the local area without following the proper procedures for taking leave and failed to received a leave number. Also, you failed to let your flight and squadron leaderships know your whereabouts. For this misconduct you received a Letter of Reprimand (LOR) on 17 Oct 97. This action generated an Unfavorable Information File (UIF) and this letter was placed in it.

b. On or about 3 Oct 96, you failed to go to a mandatory appointment: M-16 SRC Firing. For this misconduct you received an LOR on 14 Oct 97. This action generated a UIF and this letter was placed in it.

c. On or about 11 Oct 96, you were reprimanded for not making your DPP payments while you were TDY. For this misconduct you received an LOR on 11 Oct 96. This action generated a UIF and this letter was placed in it.

d. On or about 8 Nov and 9 Nov 96, you failed to go at the time prescribed to your place of duty, to wit: Combat Arms Training and Maintenance, Bldg 1895. Also, you were derelict in your duties in that you failed to notify your superiors of your location while on standby. For this misconduct you received an Article 15 on 5 Dec 96 which included: Reduction to the grade of airman first class, suspended until 5 Jun 97, after which time it will be remitted without further action, unless sooner vacated, forfeiture of \$100 pay per month for 2 months, restriction to Malmstrom AFB for 30 days, and 30 days extra duty. This action was placed in your existing UIF.

e. Between or and about 1 Oct 96 and 16 Apr 97, you dishonorably failed to pay just debt to The Bon Marche, in the sum of \$262.04 for credit purchases. For this misconduct you received a Vacation Action on 9 May 97 which included reduction to the grade of airman first class, with a new date of rank 6 Dec 96.

f. On or about 6 Jun 97, you failed to go to your appointed place of duty at the prescribed time. For this misconduct you received an LOR on 6 Jun 97. This action was placed in your existing UIF.

g. On or about 30 May 97, you having knowledge of a lawful order issued by Lt Col [redacted] that you remain in your dorm room for the night, disobeyed the order by wrongfully failing to remain in your room. Also, you physically controlled a passenger vehicle at Malmstrom AFB main gate while impaired by 0.10 grams of alcohol per 210 liters of breath. Finally, on or about 19 Jun 97, you failed to go at the prescribed time to your appointed place of duty. The charges for this misconduct were referred to a Summary Court-Martial. The court, held on 23 Jun 97, found you guilty of the charge and sentenced you to reduction to the grade of E-2, forfeiture of 2/3 pay for 1 month, with recommendation to the convening authority that the forfeitures be suspended, and 20 days confinement and 9 days hard labor without confinement.

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 reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.


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 the Area Defense Counsel, 7015 Goddard Drive, Bldg 145, Room 144 on 22 Jul 97 at 0830. 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 24 July 97 @ 1545 hrs unless you request and receive an extension for good cause shown. I will send all submitted statements to the separation authority.

5. 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.

6. You must receive a medical examination. You are scheduled for a medical examination at the 341st Medical Group Physical Examination Section on 22 Jul 97 at 0945 hours. You **MUST** be in uniform for this appointment. If you wear glasses, you must also bring them to this appointment.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208, Atch 6. A copy of AFI 36-3208 is available for your use at your Orderly Room.


F, Lt Col, USAF
Commander

Attachments:

1. Supporting document:
 - a. LOR, 17 Oct 96
 - b. LOR, 14 Oct 96
 - c. LOR, 11 Oct 96
 - d. Article 15, 6 Dec 96
 - e. Vacation Action, 12 May 97
 - f. LOR, 6 Jun 97
 - g. DD Form 2329, 2 Jul 97
2. Airman's Receipt of Notification Memorandum