

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
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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, A93.09, A92.15	INDEX NUMBER A67.50	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
		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 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: 02-12-18
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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

FD2002-0277

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 applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for a pattern of misconduct. She had two Records of Individual Counseling, a Letter of Reprimand, and two Articles 15. Her misconduct included two instances of failure to report to work on time, twice failing to obey a lawful order, falsely obtaining meal card privileges when not entitled to them, and appearing in nude photographs on the internet, thus bringing discredit to the armed forces. At the time of the discharge, member consulted counsel and submitted a statement in her own behalf requesting retention, or in the alternative, an honorable discharge. Member now infers the discharge was too harsh because it was based on a few incidents that occurred during a difficult period in her life, and she otherwise performed satisfactorily. The board found these issues without merit. While it is understandable that members experiencing personal problems may have additional stress, applicant submitted no documentary evidence of those problems, how they were unique, or that she sought help from available agencies such as the Chaplain, Family Support Center, chain of command, or the Mental Health clinic. The Board noted member had six incidents in an 18-month period, thus establishing a pattern of misconduct. The Board further noted that member was the same age as other airmen who has adhered to the standards when her misconduct occurred, and she knew right from wrong. She was counseled in an effort to help her correct her deficiencies and had several opportunities to improve her behavior. She failed to respond to those rehabilitative efforts. She was responsible for her actions, and therefore held accountable for them. 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 01/10/02 UP AFI 36-3208, para 5.50.2 (Misconduct - Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 78/06/13. Enlmt Age: 19 8/12. Disch Age: 23 3/12. Educ: HS DIPL. AFQT: N/A. A-50, E-38, G-50, M-49. PAFSC: 2S051 - Supply Management Journeyman. DAS: 98/09/04.

b. Prior Sv: (1) AFRes 98/03/03 - 98/04/28 (1 Mo 26 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 98/04/29 for 4 yrs. Svd: 3 Yrs 5 Mos 4 Das, all AMS.

b. Grade Status: AB - 01/09/04 (Article 15, 01/09/04)
AMN - 01/04/18 (Article 15, 01/04/18)
A1C - 99/08/29
AMN - 98/10/29

c. Time Lost: None.

d. Art 15's: (1) 01/09/04, Luke AFB, AZ - Article 134. You, did, within the continental United States, on or about 2 Jul 01, appear in nude photographs on the Internet while identifying yourself as a member of the armed forces such conduct being of a nature to bring discredit upon the armed forces. Reduction to the grade of AB. (No appeal) (No mitigation)

(2) 01/04/18, Luke AFB, AZ - Article 92. You, having knowledge of a lawful order issued by Master Sergeant - -----, not to bring Mr. ----- on the property of Luke Air Force Base, AZ, to include all base property outside the main gate, an order which it was your duty to obey, did, on or about 23 Feb 01, fail to obey the same by wrongfully letting Mr. ----- drive your vehicle on base with you as a passenger. Article 134. You, did, from on or about 8 Feb 01 to on or about 6 Mar 01, with intent to defraud, falsely pretend to be authorized meal card privileges while receiving your Basic Allowance for Subsistence, then knowing that the pretenses were false, and by means thereof did wrongfully obtain food services, of a

value of less than \$100.00. Reduction to the grade of AMN. (No appeal) (No mitigation)

- e. Additional: (Examiner's Note: Missing Source Documents)
 - LOR, 19 DEC 00 - Failure to obey an order.
 - RIC, 29 JAN 00 - Failure to report to duty on time.
 - RIC, 20 JAN 00 - Failure to report to duty on time.
- f. CM: None.
- g. Record of SV: 98/04/29 - 99/12/28 Luke AFB 5 (Initial)
99/12/29 - 00/12/28 Luke AFB 5 (Annual)

(Discharged from Luke AFB)
- h. Awards & Decs: AFTR, AFOUA.
- i. Stmt of Sv: TMS: (3) Yrs (7) Mos (0) Das
TAMS: (3) Yrs (5) Mos (4) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/06/26.
(Change Discharge to Honorable)

Issue: I feel my discharge was inequitable because it was mainly based on a few incidents that had happened to me during a hard period of time I was going through. I was having problems back at home with my family and during that time I somehow got mixed up with the wrong person who got me into trouble but throughout it all I constantly kept a good attitude about it all, kept my head up and went on to help complete the missions that were set upon me in my squadron. I always had volunteered my off duty time to my fellow workers. I am a very motivated person who will not stop until the challenge has been met. I appreciate your time on reviewing my issues.

ATCH

1. Evaluation Reports.
2. Feedback Worksheet.
3. Three Letters of Reference.
4. Two Letters of Appreciation.
5. Training Certificates.

02/10/04/cr



DEPARTMENT OF THE AIR FORCE
56th Fighter Wing (AETC)
Luke Air Force Base Arizona

MEMORANDUM FOR 56 FW/CC

FROM: 56 FW/JA

SUBJECT: Legal Review of Administrative Discharge - [REDACTED]
309 FS

1. ACTION: This case is before you for review and action in your capacity as the separation authority. The 309 FS/CC recommends the Respondent be separated from the United States Air Force with a general discharge without probation and rehabilitation pursuant to AFI 36-3208, paragraph 5.50.2 for a Pattern of Misconduct. I concur.
2. BACKGROUND: The Respondent is 23 years old and has been on active duty in the United States Air Force for approximately 3 years and 4 months and she is currently serving an initial 4 year enlistment. Her AQE scores are: Admin - 50; Elect - 38; Gen - 50; and Mech - 49. The Respondent's awards and decorations include the Air Force Outstanding Unit Award and the Air Force Training Ribbon. The Respondent has received two EPRs, both with an overall 5 rating.
3. FACTS: The following actions from the Respondent's current enlistment establish a Pattern of Misconduct under paragraph 5.50.2:
 - a. On 20 Jan 00, the Respondent failed to report to her appointed place of duty at the time prescribed. A Record of Individual Counseling, dated 20 Jan 00, evidences this misconduct.
 - b. On 26 Jan 00, the Respondent failed to report to her appointed place of duty at the time prescribed. A Record of Individual Counseling, dated 29 Jan 00, evidences this misconduct.
 - c. On 11 Dec 01, the Respondent failed to obey an order by allowing a person previously barred from Luke AFB, to reside in her dormitory room. A Letter of Reprimand, dated 19 Dec 00, evidences this misconduct.
 - d. On 23 Feb 01, the Respondent failed to obey a lawful order by allowing a person previously barred from Luke AFB, AZ to ride in her vehicle on base. Between 8 Feb 01 and 6 Mar 01, she used the Luke AFB dining hall meal card program when she was not authorized to do so. An Article 15, dated 09 Apr 01, evidences this misconduct. Her punishment included a reduction to E-2.

--Attorney Work Product--

This work product has been prepared by an attorney in the course of performing legal duties on behalf of a client, and is not to be provided to anyone outside the Air Force without approval of the originator or higher authority. It is exempt from disclosure under the Freedom of Information Act under 5 U.S.C. §552(b)(5) and protected from release under FRCP 26(b)(3).

e. On or about 2 Jul 01, the Respondent appeared on the internet in nude photographs which identified her as a military member, which conduct brought discredit upon the United States Air Force. An Article 15, dated 24 Aug 01, evidences this misconduct. Her punishment was reduction to E-1.

4. RESPONDENT'S MATTERS: The Respondent has met with military defense counsel and has elected to submit matters for your consideration. In her statement, the Respondent accepts full responsibility for her actions. She further states that she asked the photographer to keep the photos confidential and not to use them for profit or any other purpose. The Respondent states that she has since ceased all contact with the business and has learned to be more aware of situations like this in the future. The Respondent asks that you allow her to finish her initial enlistment considering she only has 6 months left to serve. In the alternative, the Respondent asks that if you decide to discharge her to characterize her service as honorable.

5. CHARACTERIZATION OF DISCHARGE: The Respondent's commander recommends a general discharge service characterization for [REDACTED] term of service. A general (under honorable conditions) characterization of service is appropriate if the airman's service has been honest and faithful, and if significant negative aspects of the airman's conduct or duty performance outweigh the positive aspects of his record. During her enlistment, AB McBride has received two Letters of Counseling, a Letter of Reprimand, and two Article 15 actions. The negative aspects outweigh the positive aspects of her service record and a general discharge is appropriate.

6. PROBATION AND REHABILITATION (P&R): P&R, in accordance with AFI 36-3208, Chapter 7, would be inappropriate in this case and is clearly contrary to the best interests of good order and discipline. The Respondent has not responded to past rehabilitative efforts, and it is unlikely further probation and rehabilitation would be productive.

7. LEGAL SUFFICIENCY: There is a sufficient factual basis to support this discharge. Further, this file has been prepared in substantial compliance with the provisions of AFI 36-3208. Finally, the Respondent has been notified of this discharge, was given the opportunity to meet with the Area Defense Counsel and has presented matters for your consideration at Tab E. For these reasons, we find this case file legally sufficient.

8. OPTIONS: As the separation authority you have the following options:

- a. Retain the Respondent; or
- b. Separate the Respondent with a general discharge, with or without probation and rehabilitation; or
- c. Forward the case to 19 AF/CC recommending the Respondent receive an honorable discharge, with or without probation and rehabilitation; or
- d. If you feel an under other than honorable conditions discharge is appropriate, return the package to the squadron for processing in accordance with administrative discharge procedures.

9. RECOMMENDATION: I recommend you separate the Respondent from the United States Air Force for a Pattern of Misconduct under AFI 36-3208, paragraph 5.50.2, with a general service characterization without probation and rehabilitation.

[Redacted Signature]

[Redacted Name] USAF

Staff Judge Advocate