

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
[REDACTED]		AMN	[REDACTED]			
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD		
A93.19		A67.10		1	ORDER APPOINTING THE BOARD	
HEARING DATE 13 NOV 02		CASE NUMBER FD2002-0292		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			SIGNATURE OF BOARD PRESIDENT			
[REDACTED]			[REDACTED]			
INDORSEMENT				DATE: 13 NOV 02		
TO:			FROM:			
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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

FD02-0292

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.

ISSUE: Applicant does not contest her discharge. She indicates that she had an alcohol problem and is now attending alcoholics anonymous and would like her discharge upgraded in order to get on with her life. The record indicates the applicant received an Article 15 for consuming alcoholic beverages while under the legal drinking age and by wrongfully allowing members of the opposite sex to enter her dormitory living quarters. In addition, the applicant received two Letters of Reprimand. One for smoking in uniform, not in possession of an AETC Form 341, and intentionally using the wrong name. The other was for underage drinking and allowing a male in the female hallway. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the discharge.

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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/12/10 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 81/02/04. Enlmt Age: 20 0/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-48, E-55, G-55, M-52. PAFSC: 2A313B - Tactical Aircraft Maintenance Helper. DAS: 01/04/23.

b. Prior Sv: (1) AFRes 01/02/16 - 01/03/06 (21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 01/03/07 for 6 yrs. Svd: 00 Yrs 09 Mo 04 Das, all AMS.

b. Grade Status: AMN - 01/10/29 (Article 15, 01/10/29)
A1C - 01/09/07

c. Time Lost: None.

d. Art 15's: (1) 01/10/29, Sheppard AFB, TX - Article 92. You did, on or about 22 Sep 01, violate a lawful general instruction, to wit: paragraph 2.1.11, Sheppard AFB Instruction 36-2902, dated 15 Oct 97, by wrongfully consuming alcoholic beverages while under the legal drinking age of 21. You did, on or about 6 Oct 01, violate a lawful general instruction, to wit: paragraph 2.1.9, Sheppard Air Force Instruction 36-2902, dated 15 Oct 97, by wrongfully allowing members of the opposite sex to enter your dormitory living quarters. Reduction to Amn, forfeiture of \$200.00 pay and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 24 AUG 01 - Smoking in uniform, not in possession of AETC Form 341, and intentionally using the wrong name.

LOR, 11 SEP 01 - Underage drinking and allowing a male in the female hallway.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (00) Yrs (09) Mos (25) Das
TAMS: (00) Yrs (09) Mos (04) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/07/01.
(Change Discharge to Honorable)

Issue 1: Since I was discharged I have been working on getting and keeping my life on track. I am now married and I have been attending alcoholics anomayus (sic). The program has been successful at keeping me sober. One problem I do have is finding a decent job with a general discharge on my record. I know the Air Force does not owe me anything although changing my discharge from general to honorable would greatly help me get on with my life, and be greatly appreciated. Thank you for taking the time and giving me the chance for this discharge review.

ATCH
None.

02/10/11/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

7 Dec 01

MEMORANDUM FOR 82 TRG/CC

FROM: 82 TRW/JAC

SUBJECT: Legal Review, Recommendation for Discharge – Amn [REDACTED]
362 TRS

1. We have reviewed this discharge case file and find it legally sufficient to support discharge in accordance with the provisions of AFI 36-3208. Based upon our review, we conclude that the incidents documented within this file sufficiently support Amn [REDACTED] discharge from the Air Force. We concur with the 362 TRS/CCQ that Amn [REDACTED] should be discharged with an under honorable conditions (general) discharge in accordance with AFI 36-3208, paragraph 5.49 (minor disciplinary infractions).

2. Basis for Action. On 29 Nov 01, the 362 TRS/CCQ notified Amn [REDACTED] that she was recommending that Amn [REDACTED] be discharged from the service due to her misconduct.

3. Evidence for the Commander. The preponderance of the evidence in the case file supporting the squadron section commander's recommendation consists of the following:

a. The respondent did, at or near Sheppard AFB TX, on or about 6 Oct 01, violate a lawful general instruction, to wit: paragraph 2.1.9, SAFBI 36-2902, dated 15 Oct 97, by wrongfully allowing members of the opposite sex to enter her dormitory living quarters. For this misconduct and subparagraph "b" below, she received an Article 15 on 29 Oct 01.

b. The respondent did, at or near Wichita Falls TX, on or about 22 Sep 01, violate a lawful general instruction, to wit: paragraph 2.1.11, SAFBI 36-2902, dated 15 Oct 97, by wrongfully consuming alcoholic beverages while under the legal drinking age of 21.

c. The respondent did, at or near Sheppard AFB TX, on or about 7 Sep 01, violate a lawful general instruction, to wit: paragraph 2.1.11, SAFBI 36-2902, dated 15 Oct 97, by wrongfully consuming alcoholic beverages while under the legal drinking age of 21. For this misconduct and subparagraph "d" below, she received a Letter of Reprimand (LOR) on 11 Sep 01.

d. The respondent, who knew or should have known of her duties at Sheppard AFB TX, on or about 7 Sep 01, was derelict in the performance of those duties by allowing a male into the female hallway.

e. The respondent did, at or near Sheppard AFB TX, on or about 23 Aug 01, violate a lawful general instruction, to wit: paragraph 2.1.12, SAFBI 36-2902, dated 15 Oct 97, by

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wrongfully smoking while in uniform. For this misconduct and subparagraph "f" below, she received an LOR on 24 Aug 01.

f. The respondent did, at or near Sheppard AFB TX, on or about 24 Aug 01, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 2.1.1, dated 15 Oct 97, by failing to carry at least two properly filled out AETC Forms 341 at all times

4. Additional Information. The respondent is 20 years old, began her present enlistment on 7 Mar 01, and was assigned to her unit on 23 Apr 01. Her ASVAB scores are as follows: A - 48, E - 55, G - 55, and M - 52. The respondent is entitled to wear the Air Force Training Ribbon. She has waived her rights to consult with counsel and has waived her rights to submit statements for your consideration.

5. We note no administrative errors and concur with the squadron section commander's recommendation for an under honorable conditions (general) discharge.

6. In accordance with AFI 36-3208, your options are to:

- a. Direct Amn [REDACTED] retention;
- b. Suspend an under honorable conditions (general) discharge and recommend Probation and Rehabilitation;
- c. Direct her discharge with an under honorable conditions (general) discharge; or
- d. Recommend that Amn [REDACTED] be discharged with an honorable discharge. If you determine an honorable discharge is appropriate, this file must be forwarded to 2 AF/CC since only a General Court-Martial Convening Authority may approve an honorable discharge characterization when the basis for discharge is misconduct (AFI 36-3208, paragraph 5.48.4).

7. If you have any questions regarding this matter, please contact Capt [REDACTED] at ext 6-7186.

[REDACTED]
Attorney Advisor

Attachment:
Case File

FD 2002-0292

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

28 NOV 2001



MEMORANDUM FOR AMN [REDACTED], FR [REDACTED] 362 TRS

FROM: 362 TRS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You did, at or near Sheppard AFB TX, on or about 6 Oct 01, violate a lawful general instruction, to wit: paragraph 2.1.9, SAFBI 36-2902, dated 15 Oct 97, by wrongfully allowing members of the opposite sex to enter your dormitory living quarters. For this misconduct and subparagraph "b" below, you received an Article 15 on 29 Oct 01.

b. You did, at or near Wichita Falls TX, on or about 22 Sep 01, violate a lawful general instruction, to wit: paragraph 2.1.11, SAFBI 36-2902, dated 15 Oct 97, by wrongfully consuming alcoholic beverages while under the legal drinking age of 21.

c. You did, at or near Sheppard AFB TX, on or about 7 Sep 01, violate a lawful general instruction, to wit: paragraph 2.1.11, SAFBI 36-2902, dated 15 Oct 97, by wrongfully consuming alcoholic beverages while under the legal drinking age of 21. For this misconduct and subparagraph "d" below, you received a Letter of Reprimand (LOR) on 11 Sep 01.

d. You, who knew or should have known of your duties at Sheppard AFB TX, on or about 7 Sep 01, were derelict in the performance of those duties by allowing a male into the female hallway.

e. You did, at or near Sheppard AFB TX, on or about 23 Aug 01, violate a lawful general instruction, to wit: paragraph 2.1.12, SAFBI 36-2902, dated 15 Oct 97, by wrongfully smoking while in uniform. For this misconduct and subparagraph "f" below, you received a LOR on 24 Aug 01.

f. You did, at or near Sheppard AFB TX, on or about 24 Aug 01, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 2.1.1, dated 15 Oct 97, by failing to carry at least two properly filled out AETC Forms 341 at all times

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 and, if

you are discharged, how your service will be characterized. 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.

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 Capt [REDACTED], Area Defense Counsel, at Bldg 1638, room 110, on 30 NOV 01 at 1400 hours. 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 4 DEC 01, unless you request and receive an extension for good cause shown. I will send them to 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 were scheduled for a physical examination on 29 Nov at 1430

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 362 TRS/Commanders Support Staff office.

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

[REDACTED]
2nd Lt, USAF
Squadron Section Commander
362d Training Squadron

Attachments: (listed on next page)

1. AF Form 3070, 29 Oct 01
2. Response to Article 15, 19 Oct 01
3. AF Form 1168, MSgt [REDACTED] 7 Oct 01
4. AF Form 1168, AB [REDACTED] 7 Oct 01
5. AF Form 1168, TSgt [REDACTED] 6 Oct 01
6. AF Form 1168, Amn [REDACTED] 6 Oct 01
7. AF Form 1168, AB [REDACTED] 6 Oct 01
8. AF Form 1168, A1C [REDACTED] 6 Oct 01
9. Incident Report, I2001100003
10. AF Form 3545, 01-10-0003
11. Weekend Incident Report, 22 Sep 01
12. AF Form 1168, A1C [REDACTED] 22 Sep 01
13. DD Form 1920, 22 Sep 01
14. 82 SPTG/CC Memo, 22 Sep 01
15. LOR, 11 Sep 01
16. Response to LOR, A1C [REDACTED] 14 Sep 01
17. LOR, 24 Aug 01
18. Response to LOR, AB [REDACTED] 29 Aug 01
19. AETC Form 125A, 27 AUG 01
20. Student Training Report, CL NR 01117
21. Lackland AFB Form 205, 7 Apr 01
22. Airman's Receipt of Notification Memorandum *wd*

cc:

82 MSS/DPMARS
362 TRS/CSS (File)
Individual