






## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE <b>AMN</b>	AFSN/SSAN 
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TYPE	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>							
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YES	NO								
	X								

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

ISSUES <b>A93.01</b>	INDEX NUMBER <b>67.90</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center; background-color: #cccccc;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; text-align: center;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;">2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;">3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">4</td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	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
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HEARING DATE <b>3 JUN 03</b>	CASE NUMBER <b>FD2002-0188</b>																	

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 Scott AFB, Illinois.**

**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 
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INDORSEMENT	DATE: <b>2 JUN 03</b>
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<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0188

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance hearing before the Discharge Review Board (DRB) 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 to Honorable is denied.

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

**ISSUES:** The applicant was discharged with a General Discharge for Misconduct – Conduct Prejudicial to Good Order and Discipline. Member received two Article 15s, one for assault and the other for failure to obey a lawful general regulation and communicating a threat. In addition, she received two Letters of Reprimand for unprofessional behavior and failure to follow instructions. 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, on 19 Apr 99) 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.

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 01/03/15 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 80/12/11. Enlmt Age: 17 11/12. Disch Age: 20 3/12. Educ: HS DIPL . AFQT: N/A. A-74, E-34, G-36, M-14. PAFSC: 2T051 - Traffic Management Apprentice. DAS: 99/09/25.

b. Prior Sv: (1) AFRes 98/11/10 - 99/04/06 (4 Mos 27 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 99/04/07 for 4 yrs. Svd: 1 Yr 11 Mos 9 Das, all AMS.

b. Grade Status: AMN - 01/01/16 (Vacation of Article 15, 01/03/05)  
A1C - 00/08/07  
AMN - 99/10/07

c. Time Lost: None.

d. Art 15's: (1) 01/03/05, Vacation, Ellsworth AFB, SD, Article 128. You, did, on or about 11 Feb 2001, assault Airman First Class ----- by grabbing a knife and moving toward him. Reduction to the grade of AMN, and forfeiture of \$500.00 pay per month for one month. (No appeal) (No mitigation).

(2) 01/01/16, Ellsworth AFB, SD, Article 92. You, did, on or about 22 Dec 2000, fail to obey a lawful general regulation, to wit: Table 2.5. Item 7, Air Force Instruction 36-2903 Attachment 3, dated 8 Jun 1998, by wrongfully affixing jewelry through your tongue. Article 134. You, did, on or about 18 Dec 2000, wrongfully communicate to Airman ----- and Airman - ----- a threat, to wit: "If I hear from you I will beat you like a chicken bone in soup," and "If I catch your suite mate putting her hands on my man, I'll kill her too." or words to that effect. Suspended reduction to the grade of AMN, forfeiture of \$500.00 pay per month for one month, suspended forfeiture of \$500.00 pay per month for one month, and restriction to Ellsworth AFB, SD, for 60 days. (No appeal) (No mitigation).

- e. Additional: LOR, 30 AUG 00 - Unprofessional behavior.  
LOR, 14 JUL 00 - Failure to follow instructions.  
LOC, 11 JUL 00 - Abuse of government property.
- f. CM: None.
- g. Record of SV: 99/04/07 - 00/12/06 Ellsworth AFB 3 (Initial)  
(Discharged from Ellsworth AFB)
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (2) Yrs (4) Mos (6) Das  
TAMS: (1) Yr (11) Mos (9) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/04/23.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF

**ATCH**

- 1. Applicant's Issues.
- 2. Acceptance Letter from College of [REDACTED].
- 3. Job Performance Survey.
- 4. Character References.

02/08/09/cr



DEPARTMENT OF THE AIR FORCE  
 HEADQUARTERS 28<sup>TH</sup> BOMB WING (ACC)  
 ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA

MEMORANDUM FOR 28 BW/CC

FROM: 28 BW/JA

SUBJECT: Administrative Discharge – Amn [REDACTED]

1. I have reviewed the proposed discharge action case file and find it legally sufficient to support a decision to separate Respondent with an under honorable conditions (general) discharge without Probation and Rehabilitation (P & R).

2. **Background:**

a. Respondent is a 20-year-old Traffic Management Apprentice assigned to the 28<sup>th</sup> Transportation Squadron. Her TAFMSD is 7 Apr 99, and she began her four-year enlistment on 7 Apr 99. She was assigned to her present unit on 25 Sep 99.

b. Respondent's squadron commander properly notified Respondent of his recommendation to separate Respondent under the provisions of AFI 36-3208, Chapter 5, Section H, paragraph 5.50.2, for a pattern of misconduct, specifically, conduct prejudicial to good order and discipline, with an under honorable conditions (general) discharge. Since Respondent is not entitled to a board hearing, this case has been properly pursued via the notification procedures of AFI 36-3208, Chapter 6, Section B.

3. **Evidence for the Government:** Respondent has a history of disciplinary problems and has failed to respond to any rehabilitative efforts.

a. On or about 10 Jul 00, Respondent kicked the surface freight door open, resulting in the doorknob slamming against the wall. Respondent just kept walking as if it were normal behavior. On or about 11 Jul 00, Respondent opened the same door with such force that the door again hit the wall. Both times Respondent failed to close the door behind her or show any concern that she may have damaged Government property. When asked to close the door behind her, Respondent took the door with her foot and slammed it shut. For these actions, Respondent received a Letter of Counseling (LOC) on 11 Jul 00.

b. On or about 11 Jul 00, Respondent was instructed by her supervisor, Staff Sergeant [REDACTED] to bring her Career Development Course (CDC) study material to work after her lunch break. At approximately 1605 the same day, Respondent was instructed by SSgt [REDACTED] to study, which she failed to do. Respondent's decision not to study was particularly poor because she was

on a commander-directed study program following an end of course examination failure and it constituted insubordination. For this action, Respondent received a Letter of Reprimand (LOR) on 14 Jul 00.

c. On or about 28 Aug 00, Respondent was randomly stopped by Security Forces personnel for a routine vehicle inspection. During the inspection, Respondent was unprofessional, argumentative, and essentially non-compliant having to be told several times before following directions. Respondent's judgment during this incident was especially poor considering she was previously counseled for having a poor attitude the preceding month and had pledged to avoid negative incidents. For this action, Respondent received an LOR on 30 Aug 00. This LOR established Respondent's Unfavorable Information File (UIF).

d. On or about 22 Dec 00, Respondent did, at or near Ellsworth Air Force Base, South Dakota, fail to obey a lawful general regulation, to wit: Table 2.5. Item 7, Air Force Instruction 36-2903 Attachment 3, dated 8 Jun 98, by wrongfully affixing jewelry through her tongue. On or about 18 Dec 00, Respondent did, wrongfully communicate to Airman [REDACTED] and Airman [REDACTED] a threat, to wit: "If I hear from you I will beat you like a chicken bone in soup," and "If I catch your suite mate putting her hands on my man, I'll kill her too," or words to that effect. For these actions, Respondent was punished under Article 15, UCMJ, on 16 Jan 01. Punishment was suspended reduction to the grade of airman, forfeiture of \$500.00 pay per month for two months, suspended forfeiture of \$500.00 pay per month for one month and restriction to EAFB, SD, for 60 days. This Article 15 was added to Respondent's UIF.

e. On or about 11 Feb 01, Respondent did, at or near Ellsworth Air Force Base, South Dakota, assault Airman First Class [REDACTED] by grabbing a knife and moving toward him. For this action, Respondent's suspended reduction to the grade of airman and suspended forfeiture of \$500.00 pay per month for one month which she received from Article 15 action on 16 Jan 01 was vacated on 5 Mar 01.

4. **Evidence for the Respondent:** Respondent's unit properly notified Respondent of her right to submit statements in her behalf for your consideration (Tab D). On 12 Mar 01, Respondent consulted counsel and submitted statements for your consideration (Tab H). Respondent states that she thinks she can be a great asset to the Air Force and accomplish a lot of things. Respondent is asking you to consider P & R so she can be a productive member of her squadron. Respondent also requests an honorable discharge if P & R is not considered and her discharge is approved.

5. **Discussion:** During her military career, Respondent has engaged in a pattern of misconduct necessitating her administrative discharge. She received two LORs, one LOC, one Article 15, one vacation action and two UIF entries. Respondent's conduct is prejudicial to good order and discipline in that she has shown a continuous disregard for government property, disrespect for authority, and an overall poor attitude. Further, Respondent has shown a progressive deterioration of good judgment by communicating threats and assaulting her fellow airmen. Respondent's misconduct is clearly incompatible with further military service. With regard to the characterization of her discharge, the negative aspects of Respondent's service outweigh any positive contributions she has made in her Air Force career. Accordingly, an under honorable conditions (general)

discharge characterization is warranted. Respondent's continued disciplinary problems, despite the unit's efforts, demonstrate her poor rehabilitative potential. Therefore, I do not recommend P & R in conjunction with this discharge.

6. **Errors and Irregularities:** I note no errors or irregularities prejudicial to Respondent's substantive or procedural rights.

7. **Options:** As separation authority in this case, you may:

- a. Direct retention, if you determine the evidence does not warrant discharge; or
- b. Forward this case to 8 AF/CC with the recommendation that Respondent receive an honorable discharge with or without P & R; or
- c. Return this case to the unit for re-initiation, with the recommendation that Respondent receive an under other than honorable conditions discharge; or
- d. Direct Respondent's separation with an under honorable conditions (general) discharge with or without P & R.

8. **Recommendation:** Direct Respondent's separation with an under honorable conditions (general) discharge without P & R. A proposed memorandum to that effect is attached for your signature.

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

- Attachments:
1. Proposed letter
  2. Case file

FD2002-0188



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 28<sup>TH</sup> BOMB WING (ACC)  
ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA

07 MAR 2001

MEMORANDUM FOR AIRMAN [REDACTED]

FROM: 28 TRNS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, specifically, conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 discharge action are the following:

a. On or about 10 Jul 00, you kicked the surface freight door open, resulting in the doorknob slamming against the wall and just kept walking as if it were normal behavior. On or about 11 Jul 00, you opened the same door with such force that the door again hit the wall. Both times you failed to close the door behind you or show any concern that you may have damaged Government property. When asked to close the door behind you, you took the door with your foot and slammed it shut. For these actions, you received a Letter of Counseling (LOC) on 11 Jul 00.

b. On or about 11 Jul 00, you were instructed by your supervisor, Staff Sergeant [REDACTED], to bring your Career Development Course (CDC) study material after your lunch break. At approximately 1605 the same day, you were instructed by SSgt [REDACTED] to study, which you failed to do. Your decision not to study was particularly poor because you were on a commander-directed study program following an end of course examination failure and it constituted insubordination. For this action, you received a Letter of Reprimand (LOR) on 14 Jul 00.

c. On or about 28 Aug 00, you were randomly stopped by Security Forces personnel for a routine vehicle inspection. During the inspection, you were unprofessional, argumentative, and essentially non-compliant having to be told several times before following directions. Your judgment during this incident was especially poor considering you had just been counseled for having a poor attitude the preceding month and had pledged to avoid negative incidents. For this action, you received an LOR on 30 Aug 00. This LOR established your Unfavorable Information File (UIF),

d. On or about 22 Dec 00, you did, at or near Ellsworth Air Force Base, South Dakota, fail to obey a lawful general regulation, to wit: Table 2.5. Item 7, Air Force Instruction 36-2903 Attachment 3, dated 8 Jun 98, by wrongfully affixing jewelry through your tongue. On or about 18 Dec 00, you did, wrongfully communicate to Airman [REDACTED] and Airman [REDACTED]



██████████ a threat, to wit: "If I hear from you I will beat you like a chicken bone in soup," and "If I catch your suite mate putting her hands on my man, I'll kill her too" or words to that effect. For these actions, you were punished under Article 15, UCMJ, on 16 Jan 01. Punishment was suspended reduction to the grade of airman, forfeiture of \$500.00 pay per month for two months, suspended forfeiture of \$500.00 pay per month for one month and restriction to EAFB, SD for 60 days. This Article 15 was added to your UIF.

e. On or about 11 Feb 01, you did, at or near Ellsworth Air Force Base, South Dakota, attempt to assault Airman First Class ██████████ by grabbing a knife and moving toward him. For this action, your suspended reduction to the grade of airman and suspended forfeiture of \$500.00 pay per month for one month was vacated on 5 Mar 01.

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 and, if you are discharged, how your discharge will be characterized. 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 recoupement.

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 Captain ██████████, Area Defense Counsel, 385-2158, 1000 Ellsworth Street, Suite 1700 on \_\_\_\_\_ 01 at \_\_\_\_\_ hours. 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 12mar 01 at 1530 hours, 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 matters in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the Physical Exams Section of the Base Clinic on 8mar 01 at 0920 hours for the examination. This is a mandatory appointment and you must be in uniform. You must report at least 15 minutes in advance to this appointment to complete necessary paperwork.

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 in your orderly room.

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

  
 Major, USAF  
Commander, 28<sup>th</sup> Transportation Squadron

Attachments:

1. Supporting documents
  - a. LOC - 11 Jul 00
  - b. LOR - 14 Jul 00
  - c. LOR/UIF - 30 Aug 00
  - d. Article 15/UIF - 16 Jan 01
  - e. Vacation Action - 5 Mar 01
2. Airman's Acknowledgment