

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE GEN	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES X	NO	

MEMBERS SITTING	NOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.05	INDEX NUMBER A 67.90	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
			COUNSEL'S RELEASE TO THE BOARD
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
			TAPE RECORDING OF PERSONAL APPEARANCE HEARING
HEARING DATE 022703	CASE NUMBER FD2002-0209		

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 the applicant of the decision of the Board and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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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

FD2002-0209

GENERAL: The applicant appeals for upgrade of her discharge from general to honorable.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge. The respondent's husband, MSgt [redacted], also testified before the DRB. The respondent presented the following additional exhibits to the DRB for their review: Certificate of Meritorious Service, 4 character letters, a copy of her Air Force Training Records, and copies of the written counselings, reprimands, performance feedbacks, her responses to these actions, and a copy of the letter of notification she received.

FINDINGS: The Board denies the requested relief.

Issue: The applicant was discharged with an under honorable conditions (general) discharge for conduct prejudicial to good order and discipline on November 7, 1996. Before being separated, the respondent's superiors repeatedly counseled, reprimanded and finally imposed nonjudicial punishment before initiating discharge action. The performance report she received was a referral and indicates she was a substandard performer with an overall rating of "2". Review of her records, indicates the applicant performed well for the first 4 months of her service but her service and attitude deteriorated to the point where discharge became necessary. The applicant disobeyed the orders of her superiors, argued with their decisions, and was derelict in the performance of her duties. The applicant had the opportunity to consult with mental health professionals and attended her base's Stress Management Class. Despite these efforts, the applicant was unable to improve her performance. At the hearing, the applicant admitted her performance was substandard and that if given the same opportunity today she would act differently. The DRB noted the applicant was very honest, open, and forthright with the panel. She voluntarily provided the DRB with documents concerning her service that were not present in the file. The DRB was pleased to learn the applicant was doing well in her post-Air Force career. However, no inequity or impropriety in her discharge was found during the course of the hearing. The Board concluded the applicant's misconduct was well documented in the file and that her service was appropriately characterized.

The Board also reviewed and considered the applicant's entire service record before making a decision.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation, was within the discretion of the discharge authority, and that the applicant was provided with full administrative due process.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
[REDACTED]
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 96/11/07 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 69/11/11. Enlmt Age: 24 11/12. Disch Age: 26 11/12. Educ:HS DIPL. AFQT: N/A. A-86, E-91, G-88, M-68. PAFSC: 3N031 - Public Affairs Apprentice. DAS: 95/06/12.

b. Prior Sv: (1) AFRes 94/11/07 - 94/11/29 (23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 94/11/30 for 4 yrs. Svd: 01 Yrs 11 Mo 08 Das, all AMS.

b. Grade Status: AMN - 96/08/19 (Article 15, 96/08/19)

c. Time Lost: none.

d. Art 15's: (1) 96/08/19, USAF Academy, CO - Article 92. You, having knowledge of a lawful order issued by Captain ----- to place all interview notes, reference material and photos in the alibi filing box by C.O.B. every Wednesday, an order which was your duty to obey, did, on or about 10 Jul 96, fail to obey the same by not filing your interview notes, reference material and photos in the alibi filing box by C.O.B. Wednesday 10 Jul 96. You, who knew of your duties, on or about 12 Jul 96, were derelict in the performance of those duties in that you willfully and by culpable inefficiency, failed to meet the deadline for taking the free classified ads to -----, as it was your duty to do. Article 107. You did, on or about 16 Jul 96, with intent to deceive, made to Captain -----, an official statement, to wit: saying the classified ads were at the publisher, or words to that effect, which statement was totally false, and was then known by you to be so false. Reduction to Amn. (No appeal) (No mitigation)

e. Additional: RIC, 26 SEP 95 - Disrespectful to supervisor and disobeying a lawful order.

LOC, 28 NOV 95 - Insubordination to a noncommissioned officer.

LOR, 16 FEB 96 - Failure to follow orders and disrespect.
RIC, 08 MAR 96 - Failure to follow orders of an officer and
dereliction of duties.
RIC, 18 MAR 96 - Dereliction of duty.
LOR, 30 MAY 96 - Failure to go.
MFR, 02 JUL 96 - Failure to obey orders an officer
appointed over her.
MFR, 08 JUL 96 - Failure to obey orders of an officer
appointed over her.

f. CM: none.

g. Record of SV: 94/11/30 - 96/04/15 USAF Academy 2 (HAF Dir)REF

(Discharged from USAF Academy)

h. Awards & Decs: AFTR, NDSM, PAB.

i. Stmt of Sv: TMS: (02) Yrs (00) Mos (01) Das
TAMS: (01) Yrs (11) Mos (08) Das

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Training Documentation.
3. CFETP 3NOX1, Parts I and II.
4. ECI Grade Report.
5. Two Letters of Support.

02/08/21/ia

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 10 AIR BASE WING
USAF ACADEMY, COLORADO 80840

29 October 1996

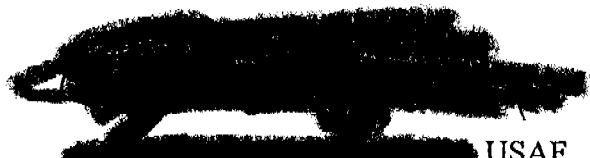
MEMORANDUM FOR 10 ABW/CC

FROM: 10 ABW/JA
8034 Edgerton Dr
USAF Academy CO 80840


SUBJECT: Review of Administrative Discharge - [REDACTED]

1. We have reviewed the subject discharge case file and find that is legally sufficient to support the respondent's discharge from the Air Force with a general (under honorable conditions) discharge. We recommend that you discharge the respondent with a general discharge with no offer of probation and rehabilitation (P&R).
2. This action was initiated under AFI 36-3208, paragraph 5.50.2 for a pattern of misconduct consisting of conduct prejudicial to good order and discipline. To summarize, between 22 September 1995 and 16 September 1996, the respondent engaged in a pattern of misconduct consisting of disrespect to superiors, disobedience of orders, failure to go and dereliction of duty. Attempts to rehabilitate the respondent ranged from letters of counseling to letters of reprimand to an Article 15 wherein the respondent was reduced to the grade of Airman. Even the Article 15 failed to deter future misconduct, as the member was once again insubordinate as recently as 17 September 1996.
3. A preponderance of the evidence supports the bases for discharge alleged in paragraph 2 of the letter of notification. There are no errors or irregularities effecting a substantial right of the respondent. Based on these instances of misconduct, the respondent's commander has recommended that you discharge the respondent with a general discharge with no offer of P&R. We agree with this recommendation. From the case file it is apparent that the respondent has continually had problems following the directions of those entrusted to supervise her. Repeated attempts at rehabilitation have been to no avail.
4. The respondent has submitted matters for your consideration in deciding on an appropriate course of action. [REDACTED] has asked that if you decide to discharge her that you offer her a period of P&R. Her submission consists of several letters of recommendation, copies of her Bachelor's and Master's degrees and a letter from her, giving background about her and discussing briefly the bases for discharge. With regard to the bases for discharge, [REDACTED] attributes them to "personality clashes within our office," but goes on to add, "part are also my fault and I take responsibility for the situation I am in."
5. Your options with regard to this action are:

- a. Retain the respondent on active duty,
 - b. Order the respondent's separation with a general discharge, with or without an offer of probation and rehabilitation, or
 - c. Forward the case file to HQ USAFA/CC recommending the respondent's discharge with an honorable discharge, with or without an offer of probation and rehabilitation.
6. We recommend that you award the respondent a general discharge with no offer of probation and rehabilitation.


USAF
Chief, Military Justice

I concur


USAF
Staff Judge Advocate

DEPARTMENT OF THE AIR FORCE
10TH MISSION SUPPORT SQUADRON
USAF ACADEMY COLORADO

MEMORANDUM FOR 10 ABW/CC

FROM: 10 MSS/CC

SUBJECT: Recommendation for Discharge - [REDACTED]

1. I recommend that [REDACTED], be discharged from the United States Air Force for conduct prejudicial to good order and discipline. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. I recommend a general (under honorable conditions) discharge. The specific reasons for the proposed discharge and acts or conditions on which the recommendation is based are contained in attachment 1, and notification letter dated 26 Sep 96.

2. Information from the military record follows:

a. Date and term of enlistment: 30 Nov 94, 4 yrs; date this period of continuous active duty started: 941130; pay-date: 30 Nov 94; TAFMSD: 30 Nov 94; and dates of prior service: None.

b. Date of birth: 11 Nov 69.

c. Test Scores: Admin 86; Mech 68; Elect 91; General 88.

d. Formal Training: Basic Public Journalism Course, Fort Benjamin Harris, IN.

e. Date assigned unit: 6 Dec 95.

f. Current grade and effective date: Airman, 19 Aug 96.

g. Demotions: None.

h. Time lost: None

i. Record of disciplinary actions: Member failed to follow a lawful order, was derelict in the performance of her duties, and made a false official statement. She received a reduction in grade to Airman, with a new date of rank of 19 Aug 96.

j. Overall ratings on EPRs: 2.

k. Favorable communications, citations, or awards: Basic Training, National Defense

l. Derogatory data, other than action by courts-martial or under Article 15, UCMJ:

(1) Member was disrespectful to her supervisor and disobeyed a lawful order, for which she received an AF Form 174, Record of Individual counseling, dated 26 Sep 95

(2) Member was insubordinate to an NCO, for which she received an Letter of Counseling dated 28 Nov 95.

(3) Member failed to follow the orders of an officer appointed over her and she was disrespectful to the same officer, for which she received an Letter of Reprimand dated 16 Feb 96.

(4) Member failed to follow the orders of an officer and she was derelict in the performance of her duties, for which she received an AF Form 174, Record of Individual Counseling dated 8 Mar 96.

(5) Member was derelict in the performance of her duties, for which she received an AF Form 174, Record of Individual Counseling dated 18 Mar 96.

(6) Member failed to go to her scheduled place of duty, for which she received a Letter of Reprimand dated 30 May 96.

(7) Member failed to obey a written order and was derelict in the performance of her duties, for which she received a Letter of Reprimand dated 26 Jun 96.

(8) Member failed to follow the orders of an officer appointed over her, for which she received a Memorandum For Record dated 2 Jul 96.

(9) Member failed to follow the written orders of an officer appointed over her and she was derelict in the performance of her duties for which she received a Letter of Reprimand dated 8 Jul 96.

m. Medical or other data meriting consideration: None

n. Member does not hold an appointment as a Reserve commissioned or warrant officer.

3. I do not recommend probation and rehabilitation due to the fact that [REDACTED] has been given ample opportunity to improve and displays an inability or unwillingness to change her behavior.

[REDACTED]
Major, USAF
Commander

Attachments:

1. Copy of Notification Memorandum w/atchs
2. Airman's Receipt of Notification Memorandum
3. Airman's Statement w/ or w/out atchs
4. Other documents