

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	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	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A93.01, 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
HEARING DATE 3 JUN 03	CASE NUMBER FD2002-0226	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 Scott AFB, Illinois.

Advise 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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INDORSEMENT	DATE: 4 JUN 03
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

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

GENERAL: The applicant appeals for upgrade of discharge to Honorable and a change in the Reason and Authority of the discharge and the RE Code.

The applicant's appeal was heard by the Discharge Review Board (DRB) at Scott AFB IL, on June 3, 2003. The applicant did not appear.

Exhibit 5: Applicant's contentions

Exhibit 6: Character Statement Form, dtd 26 Apr 02

Exhibit 7: Character Letter from MM, dtd 27 April 02

Exhibit 8: Character Statement Form, dtd 1 April 01

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The request for relief is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify upgrade of the discharge.

ISSUES: The applicant was discharged with a General Discharge for misconduct, or more specifically, conduct prejudicial to good order and discipline. Member received an Article 15 for theft of approximately \$41 worth of merchandise from the Army Air Force Exchange Service (AAFES), a misdeed she accomplished with an AAFES credit card she took from another Air Force member. She received a letter of counseling for failure to report and failure to obey a lawful order. Finally and most significantly, she was court-martialed for being absent without leave and for making a false official statement. Having pled guilty at this summary court-martial, she was sentenced to forfeitures, reduction in rank, and a minimal amount of confinement. The applicant served barely 9 months on active duty, including her service at basic and at technical school. She had not served long enough for her performance to be evaluated. The applicant now claims that her personal problems, inexperience with the military, and her youth and immaturity led to her misconduct. For example, she states that she simply misunderstood instructions given to her by health care providers. She feels she has learned from her mistakes and desires another opportunity to serve on active duty.

CONCLUSIONS: The DRB finds no merit to any issue raised by the applicant. Moreover, the DRB finds it difficult to believe the applicant's explanation for her misconduct. Assuming, for the sake of argument, the factors mentioned above did contribute to the applicant's misadventures, it does not sufficiently mitigate the seriousness of her misconduct. Thousands of airmen, soldiers, and sailors face the same difficulties as the applicant and never commit even a fraction of this misconduct. Nor do they engage in criminal conduct. The applicant stole from the military (in the form of AAFES), shirked her duty, and lied to her superiors. This type of misconduct flies in the face of the high standards Air Force members are expected to comply with and is simply intolerable. The DRB finds no inequity or impropriety, and concludes instead that the characterization of the applicant's discharge was appropriate given the nature and extent of the applicant's misconduct.

Having found no inequity or impropriety, the request for relief is denied.

Attachment:
Examiner's Brief

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

(Former AB) (HGH AIC)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 00/04/25 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge and to Change the RE Code.

2. BACKGROUND:

a. DOB: 81/05/01. Enlmt Age: -18 2/12. Disch Age: 18 11/12. Educ: HS DIPL. AFQT: N/A. A-93, E-81, G-74, M-36. PAFSC: 1C631 - Space Systems Operations. DAS: 00/01/17.

b. Prior Sv: (1) AFRes 99/07/20 - 99/08/10 (21 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as A1C 99/08/11 for 4 yrs. Svd: 00 Yrs 08 Mo 15 Das, of which AMS is 8 months 01 day (excludes 14 days lost time).

b. Grade Status: AB - 00/03/28 (Article 15, 00/03/24)
AMN - 00/03/03 (SCM, 00/03/01)

c. Time Lost: 00/02/11-00/02/14 & 00/03/01-00/03/10 (14 days).

d. Art 15's: (1) 00/03/24, Grand Forks AFB, ND - You did, between on or about 7 Feb 00, and on or about 29 Feb 00, steal merchandise of a value of about \$41.62, the property of the ----- Service. Reduction to AB and a reprimand. (No appeal) (No mitigation)

e. Additional: LOC, 20 JAN 00 - Failure to report and failure to obey a lawful order.

f. CM: Summary Court Martial, 00 Mar 01

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

Specification: Did, at Cavalier AFS, ND, on or about 9 Feb 00, without authority, absent herself from her organization, to wit: 10th SWS, Cavalier AFS, ND, and did remain so absent until on or about 14 Feb 00.

CHARGE II: Article 107. Plea: Guilty. Finding: Guilty.

Specification: Did, at Cavalier AFS, ND, on or about 8 Feb 00, with intent to deceive, make to MSgt -----, an official statement, to wit: "That she was placed on quarters for 8 days,"



DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS 319TH AIR REFUELING WING (AMC)
 GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

12 April 2000

MEMORANDUM FOR 319 ARW/CC

FROM: 319 ARW/JA

SUBJECT: AFI 36-3208 Discharge Legal Review - AB [REDACTED] (10 SWS)

1. We have reviewed and found legally sufficient the attached AFI 36-3208 discharge package, contingent upon the inclusion of a medical report clearing the respondent for separation. The respondent is eligible for separation per AFI 36-3208, paragraph 5.50.2 (pattern of misconduct prejudicial to good order and discipline), and should be separated with a general discharge.
2. 10 SWS/CC initiated this action on 6 Apr 00 because the respondent has willfully committed the following acts of misconduct:
 - a. Between on or about 7 Feb 00 and on or about 29 Feb 00, she stole merchandise of a value of about \$41.62, from the Army and Air Force Exchange Service. For this misconduct, she received an Article 15 dated 28 Mar 00. Her punishment consisted of a reduction to the grade of airman basic, a reprimand and a UIF.
 - b. On or about 9 Feb 00, she did, at Cavalier AFS, ND, without authority, absent herself from her unit until on or about 14 Feb 00. On or about 8 Feb 00, she made a false official statement saying that she was placed on quarters for 8 days. For this misconduct she was convicted by a summary court-martial. Her sentence consisted of 14 days confinement, reduction to the grade of airman, and forfeiture of 2/3 pay for one month.
 - c. Between 13-24 Dec 99 and on 12 Jan 00, in West Memphis, Arkansas, she failed to report to the recruiter's office. Also, on or about 16 Jan 00, she failed to obey a lawful order to report for duty at Cavalier AFS, ND. For these acts of misconduct, she received an LOC dated 20 Jan 00.
3. The respondent is subject to discharge per AFI 36-3208, paragraph 5.50.2 (pattern of misconduct prejudicial to good order and discipline). 10 SWS/CC recommends a general discharge without probation and rehabilitation.
4. The respondent is 18 years old and began her first and only four-year enlistment on 11 Aug 99. She has not had sufficient time-in-service for an initial EPR. The respondent consulted with counsel and waiver her rights to submit a statement on her own behalf.
5. Since this is a notification case, the respondent may receive only an honorable or general discharge, unless you choose to refer this case to a discharge board. The respondent's repeated incidents of misconduct are significant negative aspects of her service record that far outweigh any period of satisfactory duty performance. The various acts of misconduct by AB Jackson have

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shown she is not willing to change her behavior. In just three months she has received one Article 15, one LOC, and a summary court-martial conviction. None of these rehabilitative efforts have caused AB [REDACTED] to change her behavior. AB [REDACTED] has proven that she cannot live up to the standards expected of a member of the Air Force and that she should be discharged. Because of the seriousness and frequency of the misconduct, the respondent should receive a general discharge. No substantive or procedural errors have materially prejudiced the respondent's rights in this case.

6. If you determine that the allegations against the respondent support discharge and that she should be discharged, you must decide whether or not her discharge should be suspended for a period of probation and rehabilitation (P&R). P&R is appropriate when it appears the airman can change her pattern of behavior. In this case, retention on active duty would not be consistent with the maintenance of good order and discipline. We do not recommend this respondent receive P&R.

7. As SPCM separation authority, you may:

- a. Retain the respondent;
- b. Approve the respondent's separation with a general discharge with or without probation and rehabilitation;
- c. Forward the case to 15 AF/CC recommending separation with an honorable discharge with or without probation and rehabilitation; or
- d. Direct reinitiation of the action if you determine that an under other than honorable conditions discharge is the only appropriate service characterization in this case.

I recommend you approve the respondent's separation with a general discharge without P&R.

[REDACTED]
[REDACTED] Capt, USAF
Chief, Adverse Actions

I concur.

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

FD 2002-0226



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 319TH AIR REFUELING WING (AMC)
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

6 Apr 00

MEMORANDUM FOR AB [REDACTED]

FROM: 10 SWS/CC

SUBJECT: Notification Memorandum

1. I am recommending you be discharged from the United States Air Force for a pattern of misconduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208 in accordance with paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. Between on or about 7 Feb 00 and on or about 29 Feb 00, you stole merchandise of a value of about \$41.62, the property of the Army and Air Force Exchange Service. For this misconduct, you received an Article 15 dated 28 Mar 00. Your punishment consisted of a reduction to the grade of airman-basic, a reprimand and a UIF. (Attachment A)

b. On or about 9 Feb 00, you did, at Cavalier AFS, ND, without authority, absent yourself from your unit until on or about 14 Feb 00. On or about 8 Feb 00, you made a false official statement saying that you were placed on quarters for 8 days. For this misconduct you were convicted by a summary court-martial. Your sentence consisted of 14 days confinement, reduction to the grade of Airman (E-2), and forfeiture of 2/3 pay for one month. (Attachment B)

c. Between 13-24 Dec 99 and on 12 Jan 00, in West Memphis, Arkansas, you failed to report to the recruiter's office. Also, on or about 16 Jan 00, you failed to obey a lawful order to report for duty at Cavalier AFS, ND. For these acts of misconduct, you received an LOC dated 20 Jan 00. (Attachment C)

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 service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You have been scheduled an appointment at the Office of the Area Defense Counsel at Building 216 on 10 Apr at 1500 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 11 Apr 00 at 1700 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 statements 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 319th Medical Group on 10 Apr at 1300 hours for the examination.
8. Deliver to me immediately your military identification card(s). I have requested that your temporary identification card(s) be issued IAW AFI 36-3026(I), paragraph 4.2. You will report to ^{CAF} me by COB 1 Apr 00, to verify that you have received your temporary identification card(s).
9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A Privacy Act statement is attached. A copy of AFI 36-3208 is available for your use in the squadron orderly room.
10. Execute the attached acknowledgment and return it to me immediately.



Attachments:

1. Privacy Act Statement
2. Supporting Documents
 - a. Article 15/UIF dated 28 Mar 00
 - b. Summary Court-Martial Record of Trial dated 10 Mar 00
 - c. LOC dated 20 Jan 00
3. Airman's Acknowledgment
4. Personnel Information