

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE SRA	AFSN/SSAN [REDACTED]
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TYPE	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	INDEX NUMBER A49.00, A67.00	EXHIBITS SUBMITTED TO THE BOARD
		1 ORDER APPOINTING THE BOARD
		2 APPLICATION FOR REVIEW OF DISCHARGE
		3 LETTER OF NOTIFICATION
HEARING DATE 21 FEB 03	CASE NUMBER FD2002-0288	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

INDORSEMENT	DATE: 21 FEB 03
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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 RATIONALECASE NUMBER
FD02-0288

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 contends that her discharge was too harsh because she believes that her supervisors treated her unfairly. The record indicates the applicant received five Letters of Counseling for dereliction of duty, failure to obey regulations, failure to adhere to Air Force standards regarding interaction between Airmen and NCOs, failure to adhere to policy regarding making appointments, and financial irresponsibility. She also received four Letters of Reprimand for Uniform violations, and Financial Irresponsibility (three times). The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the discharge. The characterization of the applicant's discharge was appropriate due to the misconduct.

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

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 94/05/04 UP AFR 39-10, para 5-26a(1)b and d(Unsatisfactory Performance & Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 67/10/06. Enlmt Age: 19 4/12. Disch Age: 26 6/12. Educ: HS DIPL. AFQT: N/A. A-95, E-69, G-76, M-48. PAFSC: 3A051 - Information Management Journeyman. DAS: 93/01/05.

b. Prior Sv: (1) AFRes 87/02/06 - 87/06/22 (4 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 87/06/23 for 4 yrs. Svd: 06 Yrs 10 Mo 12 Das, all AMS.

b. Grade Status: SRA - 92/06/23
A1C - 88/10/23
AMN - 87/12/23

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOC, 16 MAR 93 - Dereliction of duty.
LOC, 06 APR 93 - Failure to obey regulation.
LOC, 17 MAY 93 - Failure to adhere to Air Force standards regarding interaction between Airmen and NCOs.
LOR, 10 JUN 93 - Uniform violations.
LOC, 16 NOV 93 - Failure to adhere to 601 MUNSS/IMU Policy Letter regarding making appointments.
LOC, 17 NOV 93 - Financial Irresponsibility.
LOR, 23 NOV 93 - Financial Irresponsibility.
LOR, 28 MAR 94 - Financial Irresponsibility.
LOR, 02 FEB 94 - Financial Irresponsibility.

f. CM: None.

g. Record of SV: 87/06/23 - 88/06/28 8 (Annual)
88/07/29 - 89/01/06 9 (CRO)
89/01/07 - 90/01/06 3 (Annual)
90/01/07 - 91/01/06 4 (Annual)
91/10/05 - 92/06/12 4 (CRO)
92/06/13 - 93/06/12 3 (Annual)

(Discharged from Wright Patterson AFB)

h. Awards & Decs: AFAM, AFOUA W/OLC, AFGCM W/2 OLCS, NDSM, SWASM W/2 OLCS, AFLSAR, NCOPMER, SAEMR, AFTR, KLM.

i. Stmt of Sv: TMS: (07) Yrs (02) Mos (13) Das
TAMS: (06) Yrs (10) Mos (12) Das

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. AF Form 931, Airman Feedback, 23 Sep 93.
3. Thirteen Letters of Documented Incidents from 26 Oct 93 - 2 Feb 94.
4. Resolution of Informal Complaint, 01 Apr 94.
5. Conditional Waiver Statement, 8 Apr '94.
6. Nine Letters of Support.
7. Certificate of Accomplishment.
8. Air Force Achievement Medal.
9. NCO Professional Military Education Diploma.
10. AF Form 1411, Extension of Enlistment.

02/10/10/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:
AF Form 931, Airman Performance Feedback dated 23 Sep 93

b. DOCUMENT 2:
13 Letters of Documented Incidents dated from 26 Oct 93 - 2 Feb 94

c. DOCUMENT 3:
Resolution of Formal Complaint from [REDACTED] dated 1 Apr 94

8. ISSUES
The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I feel that I was treated unfairly by my supervisors while stationed at Kleine Brogel Air Base, Belgium. Prior to being stationed at this base, I had served nearly six years of meritorious service without incidents or problems. I was awarded an Achievement Medal while stationed at Galena Airport, Alaska, served six months in Saudi Arabia in support of Operation Desert Shield/Desert Storm, received praise from my previous supervisors, graduated from NCO Professional Military Education, and routinely took on added responsibilities.

I came under the supervision of [REDACTED] on January 5, 1993. As you will read in the attached letter of recommendation (Documents #5) [REDACTED] and I conflicted quite often. After he made the comment "I do not like you and don't want to be your supervisor", I requested a new supervisor be assigned (See Document #2). This never happened. The base was quite small (approximately 300 military personnel) and [REDACTED] was friendly with the OIC and First Sergeant, [REDACTED] making it impossible for my opinion to be heard. [REDACTED] continuously harassed me, embarrassed me and humiliated me in private, in front of my peers and in front of military dependents.

I attempted to file a report with Social Actions at our host base, Ramstein Air Base, Germany. Unfortunately, [REDACTED] was the NCOIC for Social Actions at Kleine Brogel and when I filed the report, it was somehow swept under the rug. When I developed financial problems, I voluntarily received counseling from family services at Geilenkirchen Air Base, Germany. [REDACTED] suggested financial help from the Air Force Aid Society Budget Restructuring Program. This help was denied to me because of the actions of my First Sergeant. (See Document #2).

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION
I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)
20020701

b. NAME
[REDACTED]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001

8. ISSUES (cont.)

██████████ would approach me from behind and pull out my t-shirt from under my BDU's and look down to see if I was wearing any jewelry. AFR35-10 stated (at that time) that a necklace must not be visible while wearing the uniform. I always wore a religious cross on my necklace underneath my t-shirt and it was never visible. This happened numerous times and my complaints to the OIC, the First Sergeant, the commander and whoever would listen went unresolved.

I believe the actions of ██████████ and ██████████ were very unbecoming of senior NCO's, particularly ones holding the titles of NCOIC, Social Actions and Base First Sergeant. In 1995 I filed a complaint of harassment with the Department of Veterans Affairs in Indianapolis, Indiana with ██████████. The only reply that I ever received was that ██████████ was no longer in the military.

I wanted to make a career out of the military. I was proud to wear the uniform and defend my country. I felt as though I was contributing greatly to my unit, my base, the US Air Force and my country, as documented by receipt of my certificate of accomplishment, Achievement Medal and NCO PME diploma (Documents #6, #7, & #8). I feel as though this situation could have been prevented if appropriate actions were taken and I could still be serving as a proud member of the United States Air Force.

I believed as though I had no other choice at the time but to accept a General Under Honorable Conditions discharge. I was embarrassed and humiliated by my superiors and just wanted to get away from the situation before it escalated any further. ██████████ the ADC, led me to believe that I would receive probation (Document #4). He was stationed at Ramstein Air Base and did not have the opportunity, in my opinion, to counsel me properly in what my options were.

My extension of enlistment, AF Form 1411, was approved 3 Jan 94 (Document #9). I was approved for a 12-month extension of my military service just a mere four months prior to my discharge. My actions in those four months or even in my 6 years and 10 months did not warrant a general discharge or any other discharge. I have just recently reviewed my military paperwork and feel that an Honorable Discharge is justified. I ask that you please review my application carefully and consider upgrading my discharge. Thank you for your time.

DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCES IN EUROPE

88 APR 1994

MEMORANDUM FOR 601 ABW/CC

FROM: 601 ABW/JA

SUBJECT: Legal Review of Discharge Action - [REDACTED]

1. I have reviewed the above referenced action in accordance with AFR 39-10, paragraph 5-19a and consider it factually, procedurally and legally sufficient to sustain a finding that the respondent is subject to discharge for unsatisfactory duty performance. I recommend you discharge the respondent and that she be issued a General discharge. I do not recommend probation and rehabilitation.

2. Basis for Action: The factual basis for this action is noted in paragraph 2 of the Discharge Notification Letter, served on the respondent on 1 April 1994. The evidence supporting the discharge is attached to the Notification Letter and is legally sufficient. Corrective measures were taken by the respondent's commander on 12 separate occasions.

3. Evidence for the Respondent: The respondent consulted legal counsel, [REDACTED] at Spangdahlem Air Base, and thereafter waived her rights to a board hearing, and submitted a statement on her behalf for consideration. The commander responded to each of her comments in his letter dated 18 April 1994. (See Tab 3)

4. Errors or Irregularities: I note, as outlined in the Conditional Waiver Statement submitted by counsel that [REDACTED] waived her rights associated with an administrative board hearing, contingent on her receiving no less than a General discharge characterization. Since the worst discharge possible for unsatisfactory duty performance is a General discharge, this waiver is really not contingent upon anything. In talking with the ADC, [REDACTED] he confirmed that it should be an Unconditional Waiver of the board hearing and not Conditional. She is requesting an Honorable discharge, but regardless of the characterization, she desires to waive the board. I note no other administrative errors or irregularities of legal significance.

5. Character of Service: Under AFR 39-10, paragraph 5-28, the service of an airman discharged for unsatisfactory duty performance will be characterized as Honorable or General. In this case, unsatisfactory duty performance is the sole reason for discharge and, therefore the discharge must be characterized as either Honorable or General.

6. Options: As a separation authority, you have the following options:

- a. Order this action terminated;
- b. Return this action to the squadron and order the action initiated under a more appropriate discharge provision;
- c. Accept the Conditional Waiver and order the respondent discharged with an Honorable discharge characterization with or without P & R.
- d. Accept the conditional Waiver and order the respondent discharged with a General discharge characterization with or without P & R.

7. Recommendation: I recommend that you accept the Conditional Waiver and order the respondent's separation from the Air Force under AFR 39-10, paragraph 5-26a(1), b and d, for unsatisfactory duty performance, with a General discharge and without P & R.

[REDACTED]

I concur/~~nonconcur~~.

[REDACTED]

Attachment:
Case File

DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCES IN EUROPE

MEMORANDUM FOR [REDACTED]

01 Apr 94

FROM: 601 MUNSS/CC

SUBJECT: Notification Letter - Board Hearing

1. I am recommending your discharge from the United States Air Force for unsatisfactory duty performance; failure to perform assigned duties, failure to maintain standards of dress and personal appearance or military deportment, and irresponsibility in the management of personal finances. The authority for this action is AFR 39-10, paragraph 5-26a(1), b, and d. If my recommendation is approved, your service will be characterized as either Honorable or General. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On or about 16 March 1993, at or near Kleine Brogel AB, Belgium, you were found to be derelict in your duties in that you failed to return to your duties while performing base details at the appropriate time. As a result, you were given a letter of counseling on 16 March 1993. Attachment 1a.

b. On or about 29 March 1993, at or near Kleine Brogel AB, Belgium, you failed to obey a regulation/order in that you were self-medicating yourself for a cold/flu that you had and were in direct violation of AFR 35-99, Personnel Reliability Program requirements. As a result, you were given a letter of counseling on 06 April 1993. Attachment 1b.

c. On or about 17 May 1993, at or near Kleine Brogel AB, Belgium, you failed to adhere to Air Force Standards regarding interaction between Airmen and NCO's. You were witnessed addressing NCO's by their first name which is in direct violation of Air Force Standards. As a result, you were given a letter of counseling on 17 May 1993. Attachment 1c.

d. On or about 10 May 1993, at or near Kleine Brogel AB, Belgium, you failed to obey a lawful order in that you were found to be wearing gold chains that were visible while wearing BDU's. You were ordered on several occasions to not wear these items while in uniform. As a result of your failure to obey a direct order and failure to comply with AFR 35-10, you were given a letter of reprimand. Attachment 1d.

e. On or about 09 November 1993, at or near Kleine Brogel AB, Belgium, you failed to adhere to 601 MUNSS/IMU Policy Letter, 05 Nov 93 in that you failed to notify your supervisor of an appointment you made with the Spangdahlem AB Orthodontics Clinic. You were in direct violation with this letter which states that you must notify your supervisor prior to scheduling any appointments for yourself that could lead to possible interference of mission requirements or expend government funds in a frivolous manner. As a result, you were given a letter of counseling on 16 November 1993. Attachment 1e.

f. On or about 14 October 1993, at or near Kleine Brogel AB, Belgium, you were financially irresponsible in that you failed to pay for AAFES DPP on time. Also, on or about 28 October 1993, you were found to be financially irresponsible in that you failed to pay BELGACOM the amount due which caused your phone to be disconnected. As a result, you received a letter of counseling on 17 November 1993. Attachment 1f.

g. On or about 23 November 1993, at or near Kleine Brogel AB, Belgium, you were financially irresponsible in that you again had not paid BELGACOM for an outstanding telephone bill. You also did not pay your rent for the month of November 1993 as required by your contract with your landlord, you painted the kitchen cabinets in order to change the color without properly preparing the wood surface to do so, and that you were negligent in maintaining the condition of your garage due to your leaving your dog unattended for several days. As a result, you received a letter of reprimand for demonstrating immaturity and complete lack of financial responsibility dated 23 November 1993. Attachment 1g.

h. On or about 02 February 1994, at or near Kleine Brogel AB, Belgium, you were financially irresponsible in that you failed to pay BELGACOM a required amount that you had agreed to pay. As a result, you were sent to Geilenkirchen AB, GE, for financial counseling. You were given a letter of reprimand on 02 February 1994, placed on the control roster, and a UIF was opened on 10 February 1994. Attachment 1h.

i. On or about 18 Mar 94, at or near Kleine Brogel AB, Belgium, you were financially irresponsible in that you failed to pay two outstanding electric bills from 12 Nov 93 and 04 Feb 94. As a result, you were given a letter of reprimand dated 29 Mar 94. Attachment 1i.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM authority 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 to reenlist in the Air Force.

4. You have the right to:

- a. Consult legal counsel
- b. Present your case to an administrative discharge board
- c. Be represented by legal counsel at a board hearing
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

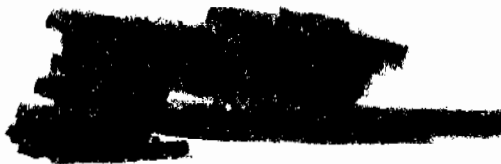
5. You have been scheduled for a medical examination. You must report to the 36 Med Gp/Physical Exams, Bitburg AB GE, at 0730 on 05 Apr 94.

6. Military legal counsel, [REDACTED] been obtained to assist you. An appointment has been scheduled for you to consult him/her on 04 Apr 94 at 1300 hrs. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use at the orderly room or the Base Publications Library.

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



Attachments:

1. Supporting documents
 - a. LOC, 16 Mar 93
 - b. LOC, 06 Apr 93
 - c. LOC, 17 May 93
 - d. LOR, 10 Jun 93
 - e. LOC, 16 Nov 93
 - f. LOC, 17 Nov 93
 - g. LOR, 23 Nov 93
 - h. LOR, UIF, Control Roster, 02 Feb 94
 - i. LOR, 28 Mar 94
2. Airman's Acknowledgement Ltr