

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>		GRADE <b>A1C</b>	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>			
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	X					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES <b>A94.05</b>		INDEX NUMBER <b>A67.10</b>		EXHIBITS SUBMITTED TO THE BOARD		
				1	ORDER APPOINTING THE BOARD	
HEARING DATE <b>9 Jan 03</b>		CASE NUMBER <b>FD2002-0318</b>		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 RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.						
REMARKS <b>Case heard at Washington, D.C.</b>  <b>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.</b>						
SIGNATURE OF RECORDER <div style="background-color: black; width: 100%; height: 1.2em;"></div>			SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 1.2em;"></div>			
INDORSEMENT				DATE: <b>9 Jan 03</b>		
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, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0318

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable and to change the Reason and Authority for discharge.

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 inequitable because it was too harsh. The record indicates the applicant received two Article 15's for wrongfully possessing alcoholic beverages in the dormitory and willfully failed to remain within the 150-mile radius of Sheppard AFB. She also received two Letters of Reprimand for violating a lawful general instruction by wearing a tongue ring and for dereliction of duty. And, she received a Record of Individual Counseling for dereliction of duty. The applicant had received numerous opportunities to conform, however, her misconduct continued. 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

MISSING DOCUMENTS

[REDACTED]  
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 02/04/05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 80/09/16. Enlmt Age: 20 7/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-72, E-49, G-59, M-41. PAFSC: 2W131F - Aircraft Armament Systems Apprentice. DAS: 01/07/09.

b. Prior Sv: (1) AFRes 01/04/26 - 01/05/22 (27 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 01/05/23 for 6 yrs. Svd: 00 Yrs 10 Mos 13 Das, all AMS.

b. Grade Status: A1C - 01/11/23

c. Time Lost: None.

d. Art 15's: (1) 02/03/19, Vacation, Sheppard AFB, TX - Article 92. You did, on or about 31 Aug 01, violate a lawful general instruction, to wit: paragraph 2.1.11, Sheppard Air Force Base Instruction 36-2902, dated 15 Oct 97, by wrongfully possessing alcoholic beverages in the dormitory. You, who knew or should have known of your duties, between on or about 15 Feb 02 and on or about 18 Feb 02, were derelict in the performance of those duties in that you willfully failed to remain within the 150 mile radius, as it was your duty to do. Forfeiture of \$300.00 pay. (No appeal) (No mitigation)

(2) 01/09/20, Sheppard AFB, TX - Article 92. You did, on or about 31 Aug 01, violate a lawful general instruction, to wit: para 2.1.11, Sheppard Air Force Base Instruction 36-2902, dated 15 Oct 97, by wrongfully possessing alcoholic beverages in the dormitory. Forfeiture of \$300.00 pay (suspended), and 30 days correctional custody. (No appeal) (No mitigation)

e. Additional: LOR, 05 MAR 02 - Violate a lawful general instruction.

LOR, 05 MAR 02- Dereliction of duty.  
RIC, 07 AUG 01 - Dereliction of duty.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (00) Yrs (11) Mos (10) Das  
TAMS: (00) Yrs (10) Mos (13) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/05/22.

(Change Discharge to Honorable and Change the Reason and Authority for Discharge)

Issue 1: First, I was told my general discharge under honorable conditions was the next best under honorable. It was explained to me that the military "just wasn't for everybody." I didn't do anything wrong. Also, that I'd have no problems once I got out. The misconduct was never mentioned to me until the day I left. A secretary told me it was just a standard thing and I could easily have it changed by appealing it.

**ATCH**

1. Letter of Support.
2. Recommendation for Discharge.
3. Written Response to AFI 36-3208, Chapter 6, Notification of Involuntary Discharge.
4. DD Form 214.

02/11/12/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD 2002-0318

3 April 2002

MEMORANDUM FOR 82 TRG/CC

FROM: 82 TRW/JAC

SUBJECT: Legal Review, Recommendation for Discharge [REDACTED]  
363 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 [REDACTED] discharge from the Air Force. We concur with the 363 TRS/CCQ that A1C [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 26 Mar 02, the 363 TRS/CCQ notified [REDACTED] that he was recommending that [REDACTED] be discharged from the service due to his 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 4 Mar 02, violate a lawful general instruction, to wit: AFI 36-2903, dated 8 Jun 98, Table 2.5, Line 7, by wearing a tongue ring while in uniform. For this misconduct and subparagraph "b" below she received a Letter of Reprimand (LOR) on 5 Mar 02.

b. The respondent, who knew or should have known of her duties at or near Sheppard AFB TX, on or about 2 Mar 02, was derelict in the performance of those duties by failing to remain on Sheppard AFB TX while in Phase I, as it was her duty to do.

c. The respondent, who knew or should have known of her duties at or near Sheppard AFB TX, between on or about 16 Feb 02 and on or about 18 Feb 02, was derelict in the performance of those duties in that she willfully failed to remain within the 150 mile radius of Sheppard AFB, as it was her duty to do. For this misconduct and subparagraph "d" below, she received an LOR on 5 Mar 02. In addition, her suspended Article 15 punishment was vacated on 19 Mar 02.

d. The respondent did, at or near Sheppard AFB TX, on or about 15 Feb 02, fail to go at the time prescribed to her appointed place of duty, to wit: Mandatory Formation.

[REDACTED]

e. The respondent did, at or near Sheppard AFB TX, on or about 31 Aug 01, violate a lawful general instruction, to wit: paragraph 2.1.11, SAFBI 36-2902, dated 15 Oct 97, by wrongfully possessing alcoholic beverages in the dormitory. For this misconduct she received an Article 15 on 20 Sep 01.

f. The respondent, who knew or should have known of her duties at Sheppard AFB TX, on or about 7 Aug 01, was derelict in the performance of those duties in that she failed to complete her assigned homework. For this misconduct she received an AF Form 174, Record of Individual Counseling, on 7 Aug 01.

4. Additional Information. The respondent is 21 years old, began her present enlistment on 23 May 01, and was assigned to her unit on 9 Jul 01. Her ASVAB scores are as follows: A - 72, E - 49, G - 59, and M - 41. The respondent is entitled to wear the Air Force Training Ribbon. The respondent has consulted counsel and she has submitted statements for your consideration.

5. We note no administrative errors of legal significance, and we concur with the squadron section commander's recommendation for an under honorable conditions (general) discharge in this case.

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

- a. Direct [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 [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 [REDACTED] at ext 6-7193.

Attachment:  
Case File

[REDACTED]

FD2002-0318



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

MAR 26 2002

MEMORANDUM FOR [REDACTED]

FROM: 363 TRS/CC

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) discharge. 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 4 Mar 02, violate a lawful general instruction, to wit: AFI 36-2903, dated 8 Jun 98, Table 2.5, Line 7, by wearing a tongue ring while in uniform. For this misconduct and subparagraph "b" below you received a Letter of Reprimand (LOR) on 5 Mar 02.
  - b. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 2 Mar 02, were derelict in the performance of those duties by failing to remain on Sheppard AFB TX while in Phase I, as it was your duty to do.
  - c. You, who knew or should have known of your duties at or near Sheppard AFB TX, between on or about 16 Feb 02 and on or about 18 Feb 02, were derelict in the performance of those duties in that you willfully failed to remain within the 150 mile radius, as it was your duty to do. For this misconduct and subparagraph "d" below, you received an LOR on 5 Mar 02. In addition, your suspended Article 15 punishment was vacated on 19 Mar 02.
  - d. You did, at or near Sheppard AFB TX, on or about 15 Feb 02, fail to go at the time prescribed to your appointed place of duty, to wit: Mandatory Formation.
  - e. You did, at or near Sheppard AFB TX, on or about 31 Aug 01, violate a lawful general instruction, to wit: paragraph 2.1.11, SAFBI 36-2902, dated 15 Oct 97, by wrongfully possessing alcoholic beverages in the dormitory. For this misconduct you received an Article 15 on 20 Sep 01.
  - f. You, who knew or should have known of your duties at Sheppard AFB TX, on or about 7 Aug 01, were derelict in the performance of those duties in that you failed to

complete your assigned homework. For this misconduct you received an AF Form 174, Record of Individual Counseling, on 7 Aug 01.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM 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 [REDACTED] at 1400 on 27 Mar 02. 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 31 Mar 02 unless you request and receive an extension for good cause shown. I will send them to the 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 medical examination on 27 Mar 02.

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 Military Training Flight administration office.

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

[REDACTED]

Attachments (listed on next page)



## Attachments:

1. LOR, 5 Mar 02
2. AF Form 1168, [REDACTED], 4 Mar 02
3. AF Form 1168, [REDACTED], 4 Mar 02
4. AF Form 366, 19 Mar 02
5. LOR, 5 Mar 02
6. AF Form 1168, [REDACTED], 21 Feb 02
7. AF Form 1168, [REDACTED], 26 Feb 02
8. AF Form 3070, 20 Sep 01
9. AF Form 1168, [REDACTED], 3 Sep 01
10. AF Form 1168, [REDACTED], 5 Sep 01
11. AF Form 174, 7 Aug 01
12. Student Training Report, 02006
13. LAFB Form 205, 2 Jul 01
14. Airman's Receipt to Notification Memorandum [REDACTED]