

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

|  |                    |                                |
|--|--------------------|--------------------------------|
| <b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b><br>[REDACTED] | <b>GRADE</b><br>AB | <b>AFSN/SSAN</b><br>[REDACTED] |
|--|--------------------|--------------------------------|

|                |  |   |
|----------------|--|---|
| <b>TYPE</b>    | <b>PERSONAL APPEARANCE</b>                 | <b>X RECORD REVIEW</b>                        |
| <b>COUNSEL</b> | <b>NAME OF COUNSEL AND OR ORGANIZATION</b> | <b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b> |
| YES            |  |   |
| NO             |  |   |
|                | X  |   |

| <b>MEMBERS SITTING</b> | <b>VOTE OF THE BOARD</b> |     |       |       |      |
|------------------------|--------------------------|-----|-------|-------|------|
|                        | HON                      | GEN | UOTHC | OTHER | DENY |
| [REDACTED]             |                          |     |       |       | X    |
| [REDACTED]             |                          |     |       |       | X    |
| [REDACTED]             |                          |     |       |       | X    |
| [REDACTED]             |                          |     |       |       | X    |
| [REDACTED]             |                          |     |       |       | X    |

|                                  |                                   |  |  |
|----------------------------------|-----------------------------------|--|--|
| <b>ISSUES</b><br>A93.09          | <b>INDEX NUMBER</b><br>A67.10     | <b>EXHIBITS SUBMITTED TO THE BOARD</b> |  |
|                                  |                                   | 1                                      | ORDER APPOINTING THE BOARD                                   |
|                                  |                                   | 2                                      | APPLICATION FOR REVIEW OF DISCHARGE                          |
|                                  |                                   | 3                                      | LETTER OF NOTIFICATION                                       |
| <b>HEARING DATE</b><br>28 MAR 03 | <b>CASE NUMBER</b><br>FD2002-0345 | 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**  
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.

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|--|---|
| <b>SIGNATURE OF RECORDER</b><br>[REDACTED] | <b>SIGNATURE OF BOARD PRESIDENT</b><br>[REDACTED] |
|--|---|

|                    |                        |
|--------------------|------------------------|
| <b>INDORSEMENT</b> | <b>DATE: 28 MAR 03</b> |
|--------------------|------------------------|

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

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0345

**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:** The applicant states her discharge was due to having to leave her duty station because of an abusive relationship with her estranged husband. The record indicates the applicant received two Article 15's for failure to go. In addition, she also received three Letters of Reprimand for failure to participate in the physical fitness program, lying about her whereabouts, and for being an hour and a half late to work, failure to return to the local area after taking leave, failure to show up for work, and not showing up for physical training, and violation of medical quarters. And, she received two Records of Individual Counseling for having her hair out of compliance with the Instruction and being disrespectful to authority and taking extended breaks during the duty day. The applicant also states that she would like to receive her GI Bill. The Board was sympathetic to the impact the loss of this benefit was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade. The board concluded the misconduct was a significant departure from conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge and that 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.

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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 6 JUN 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 Dec 80. Enlmt Age: 18 5/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-50, E-51, G-50, M-34. PAFSC: 2S051 - Supply Management Journeyman. DAS: 28 Jul 00.

b. Prior Sv: (1) AFRes 4 Jun 99 - 27 Jul 99 (1 month 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Jul 99 for 4 yrs. Svd: 2 Yrs 10 Mos 9 Das, all AMS.

b. Grade Status: AB - 15 May 02 (Article 15, 15 May 02)  
A1C - 28 Nov 00  
AMN - 28 Jan 00

c. Time Lost: None.

d. Art 15's: (1) 15 May 02, Seymour Johnson AFB, NC - Article 86. You did, at or near Goldsboro, North Carolina, on or about 3 May 02, without authority, fail to go at the time prescribed to your appointed place of duty. Article 134. You did, being indebted to ----- in the sum of \$175.00 for cleaning your house, which amount became due and payable on or about 3 May 02, did, from on or about 3 May 02, to on or about 9 May 02, dishonorably fail to pay said debt. Reduction to the grade of AB. (No appeal) (No mitigation)

(2) 11 Apr 00, Seymour Johnson AFB, NC - Article 107. You did, on or about 9 Feb 00, with intent to deceive, sign an official record with the name -----, to wit: Chemical Warfare Mobility Bag Inventory Receipt, which record was false in that ----- was your name, and was then known by you to be so false. Suspended reduction to AB, suspended forfeiture of \$100.00 pay per month for two months, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 10 APR 02 - Failure to participate in physical fitness program, lying about whereabouts, and for

being an hour and a half late to work.  
 LOR, 08 APR 02 - Failure to return to the local area after taking leave, failure to show up for work, and not showing up for physical training.  
 LOR, 24 AUG 01 - Violation of medical quarters.  
 RIC, 20 JUL 01 - Style of hair not in compliance with AFI 36-2903.  
 RIC, 12 JUN 01 - Disrespect for authority and extended breaks during duty hours.

f. CM: None.

g. Record of SV: 28 Jul 99 - 27 Mar 01 Seymour Johnson AFB 4 (Initial)  
 28 Mar 01 - 29 Oct 01 Seymour Johnson AFB 4 (CRO)

(Discharged from Seymour Johnson AFB)

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

i. Stmt of Sv: TMS: (3) Yrs (0) Mos (3) Das  
 TAMS: (2) Yrs (10) Mos (9) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Aug 02.  
 (Change Discharge to Honorable)

Issue 1: This letter is in request of having my Montgomery G I Bill approved for Fall 2002 at the University of Memphis. Circumstances surrounding my discharge, that is, "Under Honorable Conditions" (General), were basically due to having to leave my duty station because of an abusive relationship, (my child's father), had become too overbearing and I had become very threatened by my future career with the Air Force because of my personal affair with his abusive behavior. At that time, my only concern was for my safety and my 11 month old daughter who was in dire need of parental support. As I look back, I do not regret having to leave but feel that it was necessary for myself and my daughter at the time. My total active duty time in the Air Force is 2 years and 10 months, only 2 months short of the required 3 years required (sic). I am respectfully requesting that my discharge be upgraded to Honorable so that I may be able to utilize my Montgomery G I Bill. If necessary, I can provide the necessary court documents to provide a detailed insight as to what the actual situation was between myself and my daughter's father.

**ATCH**

1. Applicant's Letter Requesting Upgrade.
2. DD Form 214.

21NOV02/ia



DEPARTMENT OF THE AIR FORCE  
4TH FIGHTER WING (ACC)  
SEYMOUR JOHNSON AIR FORCE BASE NC

30 May 2002

MEMORANDUM FOR 4 FW/CC

FROM: 4 FW/JA

SUBJECT: Legal Review—Discharge under AFI 36-3208, Chapter 5, Section H, Paragraph 5.49,  
[REDACTED]

1. HISTORY: The 4th Civil Engineering Squadron Commander has recommended that [REDACTED] be discharged from the Air Force for misconduct, specifically minor disciplinary infractions. The basis for this recommendation is AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. The commander recommends a general discharge without a period of probation and rehabilitation (P&R). The respondent is eligible for, and has been processed by, notification procedures in accordance with AFI 36-3208, paragraph 6.2. The respondent did consult counsel and did submit a statement in her own behalf. [REDACTED] statement is at Tab 6.

2. BASIS FOR ACTION: [REDACTED] received two Records of Individual Counseling, three Letters of Reprimand, and two Article 15s for the following misconduct: signing an official record with another name other than her own with the intent to deceive, disrespect for authority by taking extended breaks during duty hours, failing to comply with Air Force Dress and Appearance Standards, failing to comply with established procedures while on quarters, failing to show up for physical training, failing to participate in the 4th Civil Engineer Squadron Physical Fitness program, failing to go to her appointed place of duty, and dishonorably failing to a pay debt. [REDACTED] actions disrupted good order, discipline, and morale within the military community; hence, discharge is appropriate.

3. EVIDENCE FOR THE RESPONDENT: [REDACTED] is 21 years old and has served on active duty since 28 July 1999. The respondent has received two enlisted performance reports with overall ratings of 4 on both reports. In her statement, [REDACTED] requests you consider her response in making the decision on what type of discharge characterization she should receive. She apologizes for her immaturity and for allowing her personal life to interfere with her career.

4. ERRORS AND IRREGULARITIES: None

5. CONCLUSIONS:

a. Discharge is appropriate under AFI 36-3208, Chapter 5, Section H, Paragraph 5.49, which subjects a member to discharge when there is evidence of misconduct, specifically minor disciplinary infractions. [REDACTED] repeatedly failed to comply with Air Force standards as noted in the discharge notification package. [REDACTED] has a well documented history of minor disciplinary infractions which have disrupted good order, discipline and morale within the military community; hence, discharge is appropriate.

b. Characterization of Service: I concur with the commander's recommendation of a general discharge. According to AFI 36-3208, paragraph 5.48.4, an honorable characterization is appropriate in a discharge for misconduct when "the member's record has been so meritorious that any other characterization would be clearly inappropriate." In such cases, the GCM convening authority approves

the service characterization. On the other hand, a general discharge is warranted, according to paragraph 1.18.2, when "significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record." [REDACTED] has a well-documented history of minor misconduct since her arrival at Seymour Johnson AFB. Her repeated misconduct far outweighs the positive aspects of her service; therefore, a general discharge is appropriate.

c. Probation and Rehabilitation: I concur with the commander's recommendation that [REDACTED] not be offered P&R. The Air Force has already made substantial efforts to rehabilitate this member through counseling and other forms of discipline. Rather than take responsibility for her actions and correct her behavior in response to these measures, [REDACTED] continued to engage in misconduct, thereby showing that she does not have the capacity to be rehabilitated for continued military service. Therefore, P&R is not appropriate in this case.

6. LEGAL SUFFICIENCY: This case is legally sufficient, contingent upon a finding that the respondent is medically qualified for worldwide duty.

7. OPTIONS: As the separation authority, you have the following options in this case:

a. Retain the respondent; or

b. Approve separation and recommend to the 9 AF(P)/CC that the respondent be discharged with an honorable discharge with or without probation and rehabilitation; or

c. Approve separation and discharge the respondent with a general discharge with or without probation and rehabilitation; or

d. If you believe an under other than honorable conditions (UOTHC) discharge is appropriate, return the case file to the squadron commander and direct processing by administrative board procedures IAW AFI 36-3208, paragraph 6.13.

8. RECOMMENDATION: That you approve the separation of [REDACTED] from the United States Air Force with a general discharge, without probation and rehabilitation, by signing the attached memorandum.

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

Attachment:  
Case File— [REDACTED] on

FD 2002-0345



DEPARTMENT OF THE AIR FORCE  
4TH FIGHTER WING (ACC)  
SEYMOUR JOHNSON AIR FORCE BASE NC

22 May 2002

MEMORANDUM FOR [REDACTED]

FROM: 4 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for my recommendation is AFD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. According to Table 1.3 of AFI 36-3208, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action:

a. On or about 9 February 2000, you did, with intent to deceive, sign an official record with the name [REDACTED], to wit: Chemical Warfare Mobility Bag Inventory Receipt, which record was false in that [REDACTED] was not your name, and was then known by you to be so false. For this misconduct, you received an Article 15. These actions are documented by an AF Form 3070, dated 3 April 2000 (Tab 1a).

b. On or about 11 June 2001, you displayed disrespect for authority and was outside your duty section for an extended period of time. For this misconduct, you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 12 June 2001 (Tab 1b).

c. On or about 17 July 2001, you violated AFI 36-2903 in that your hair exceeded the maximum length in bulk, for which you were told to make the necessary corrections. On 18 July 2001, you reported to work with your hair exceeding the standards set forth in AFI 36-2903. For this misconduct, you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 20 July 2001 (Tab 1c).

d. On or about 20 August 2001, you failed to comply with established procedures while placed on quarters for 48 hours. For this misconduct, you received a Letter of Reprimand. These actions are documented by a Letter of Reprimand, dated 24 August 2001 (Tab 1d).

e. When taking leave from 1-5 April 2002, you failed to return to the local area within the time prescribed. Additionally, on 8 April 2002, you failed to report to work and did not show up for physical training as directed by your work section. For these incidents of misconduct, you received a Letter of Reprimand. These actions are documented by a Letter of Reprimand, dated 8 April 2002 (Tab 1e).

f. On or about 10 April 2002, you received a Letter of Reprimand for failing to participate in the 4th Civil Engineer Squadron Physical Fitness program, lying about your whereabouts, and for being an hour and a half late to work. For these incidents of misconduct, you received a Letter of Reprimand. These actions are documented by a Letter of Reprimand, dated 10 April 2002 (Tab 1f).

g. On or about 3 May 2002, you failed to go to your appointed place of duty at the time prescribed. For this misconduct, you received an Article 15. These actions are documented by an AF Form 3070, dated 9 May 2002 (Tab 1g).

h. Between on or about 3 May 2002 and on or about 9 May 2002, you dishonorably failed to pay a debt in the sum of \$175.00. For this misconduct, you received an Article 15. These actions are documented by an AF Form 3070, dated 9 May 2002 (Tab 1g).

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. I have made an appointment for you to consult [redacted] Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on 22 May 02 (date) at 1415 (time). 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 28 May 02 (allow three duty days) 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 mandatory medical examination at the 4th Medical Group, Family Practice Clinic (Blue Team) at 0730 hours on 22 May 2002 with [redacted].

8. You have been scheduled for a mandatory Transition Assistance Program (TAPs) counseling on 23 May 2002 at 1300 hours. You must report to building 3602 for your TAPs counseling.

9. 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 at the unit orderly room or the Area Defense Counsel office.

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

[redacted signature]  
Lt Col, USAF  
Commander, 4 CES

Attachments:

Supporting Documentation:

- a. AF Form 3070, dated 3 April 2000
- b. AF Form 174, dated 12 June 2001
- c. AF Form 174, dated 20 July 2001
- d. Letter of Reprimand, dated 24 August 2001
- e. Letter of Reprimand, dated 8 April 2002
- f. Letter of Reprimand, dated 10 April 2002
- g. AF Form 3070, dated 9 May 2002