

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE		AFSN/SSAN		
[REDACTED]				AB		[REDACTED]		
TYPE GEN		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 A94.53		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD				
HEARING DATE 03-01-24		CASE NUMBER FD2002-0362		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			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE								
REMARKS								
<p>Case heard at Washington, D.C.</p> <p>Advise applicant of the decision of the Board and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.</p>								
[REDACTED]				SIGNATURE OF [REDACTED]				
INDORSEMENT				DATE: 03-01-24				
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	CASE NUMBER FD2002-0362	
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.</p> <p>Issues. Applicant was discharged for minor disciplinary infractions. She had two AETC Forms 341, Discrepancy Report, six Records of Individual Counseling, four Letters of Reprimand, and an Article 15. Her misconduct included failure to remain within the confines of Sheppard AFB when required to, entering or using a privately owned vehicle when prohibited from doing so while in phase training on two occasions, failing to keep her dormitory room in inspection order on two occasions, failing to observe curfew hours on three occasions, making a false statement, disrespect to a noncommissioned officer, disrupting her class while they were testing, engaging in horseplay in class, and failure to go to a mandatory appointment. At the time of the discharge, member waived her right to consult counsel and submit statements in her own behalf. And, member offers no issues now. The Board noted member was the same age as other airmen who had adhered to the standards when her misconduct occurred, and she knew right from wrong. She was counseled in an effort to help her correct her deficiencies and had several opportunities to improve her behavior. She failed to respond to those rehabilitative efforts. She was responsible for her actions, and therefore held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>		

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

[REDACTED]
(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 14 JAN 99 UP AFI 6-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 06 Jun 79. Enlmt Age: 18 1/12. Disch Age: 19 7/12. Educ: H DIPL. AFQT: N/A. A-45, E-53, G-62, M-53. PAFSC: 2A612 - Aerospace Ground Equipment Apprentice. DAS: 08 May 98.

b. Prior Sv: (1) AFRes 23 Jul 97 - 28 Dec 97 (5 months 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Dec 97 for 4 yrs. Svd: 01 Yrs 0 Mo 16 Das, all AMS.

b. Grade Status: AB - 11 Dec 98 (Article 15, 11 Dec 98)
AMN - 29 Jun 98

c. Time Lost: None.

d. Art 15's: (1) 11 Dec 98, Sheppard AFB, TX - Article 92. You did, on or about 21 Nov 98, violate a lawful general instruction, to wit: Para 5.2.1, Sheppard AFBI 36-2902, dated 15 Oct 97, by wrongfully failing to remain within the limits of Sheppard AFB. Article 107. You did, on or about 24 Nov 98, with intent to deceive, make to Captain -----, an official statement, to wit: "I was married in Central Park," or words to that effect, which statement was totally false, and was then known by you to be so false. Reduction to AB, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 25 NOV 98 - Violation of SAFB 36-2902, para 5.2.3, riding in a POV while in Phase I of military training during duty hours
RIC, 20 NOV 98 - Violation of SAFB 36-2902, para 2.1.2, failing to carry at least two properly filled out AETC Forms 341.
RIC, 20 NOV 98 - Misconduct and making a false official statement.
AETC 341, 16 OCT 98 - Violation of SAFB 36-2902, para 2.1.3, failing to keep room in inspection order.

AETC 341, 08 OCT 98 - Violation of SAFB 36-2902, para 2.1.3, failing to keep room in inspection order.
LOR, 13 AUG 98 - Disrespectful to a noncommissioned officer.
RIC, 12 AUG 98 - Disruption of class.
RIC, 14 JUL 98 - Failure to obey an order and horseplay in the laboratory.
RIC, 29 JUN 98 - Failure to report.
LOR, 09 JUN 98 - Violation of curfew.
LOR, 28 MAY 98 - Violation of curfew and entering a POV while in Phase I.
RIC, 20 MAY 98 - Violation of curfew.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (05) Mos (23) Das
TAMS: (01) Yrs (0) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 22 Aug 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. DD Form 214.

02DEC02 ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

8 Jan 99

MEMORANDUM FOR 82 TRG/CC

FROM: 82 TRW/JAC

SUBJECT: Legal Review, Recommendation for Discharge [REDACTED]
361 TRS

1. We have reviewed this discharge case file and find it to be 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 361 TRS/CCQ that [REDACTED] should be discharged for her misconduct and that her service should be characterized as an under honorable conditions (general) discharge in accordance with AFI 36-3208, paragraph 5.49 (minor disciplinary infractions).

2. On 5 Jan 99, the 361 TRS/CCQ notified [REDACTED] that he was recommending that [REDACTED] be discharged from the service due to her misconduct. The basis for this action is the squadron section commander's administrative determination that the respondent has committed a series of minor disciplinary infractions. Specifically, the respondent violated a lawful general instruction when she failed to remain within the limits of Sheppard Air Force Base; entered or used a privately owned vehicle on two occasions; failed to carry at least two properly filled out AETC Forms 341; failed to keep her room in inspection order at all times on two occasions; and failed to return to and remain in her assigned dormitory from 2100-0400 Sunday through Saturday on three occasions. In addition, she made a statement with intent to deceive; made false statements to her instructor; showed disrespect to an NCO, disrupted class while they were testing; engaged in horseplay in the lab; and failed to report at the appointed time for a mandatory dental appointment. The respondent received an Article 15, four Letters of Reprimand, four Records of Individual Counseling, two AETC Forms 341 and two AETC Forms 173 as a result of her misconduct. The basis for discharge is supported by a preponderance of evidence in the case file.

3. The respondent is 19 years old. She began her present enlistment on 29 Dec 97, and was assigned to her unit on 8 May 98. Her ASVAB scores are above average. The respondent is entitled to wear the Air Force Training Ribbon. She has waived her right to consult counsel and has waived her right to submit statements for your consideration.

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

a. Direct [REDACTED] retention;

b. Direct her discharge with an under honorable conditions (general) discharge; or

c. 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).

5. If you have any questions, please contact 1Lt Romy Eschenbacher at ext 6-7192.

[REDACTED]

Attachment:
Case File



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

5 Jan 99

MEMORANDUM FOR [REDACTED] 361 TRS

FROM: 361 TRS/CCQ
528 E Avenue
Sheppard AFB TX 76311-3469

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 AFPD 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). 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 Air Force Base, Texas, on or about 21 Nov 98, violate a lawful general instruction, to wit: paragraph 5.2.1, Sheppard Air Force Base Instruction 36-2902, dated 15 Oct 97, by wrongfully failing to remain within the limits of Sheppard Air Force Base. For this misconduct and subparagraph "b" below you received Article 15 punishment on 11 Dec 98.

b. You did, at or near Sheppard AFB TX, on or about 24 Nov 98, with intent to deceive, make to [REDACTED], an official statement, to wit: "I was married in Central Park" or words to that effect, which statement was totally false, and was then known by you to be so false.

c. You did, at or near Sheppard AFB TX, on or about 25 Nov 98, violate a lawful general instruction, to wit: paragraph 5.2.3, SAFBI 36-2902, dated 15 Oct 97, by riding in a privately owned vehicle (POV) while in Military Training Phase I. For this misconduct you received a Letter of Reprimand (LOR), on 25 Nov 98.

d. You did, at or near Sheppard AFB TX, on or about 19 Nov 98, violate a lawful general instruction, to wit: paragraph 2.1.2, SAFBI 36-2902, dated 15 Oct 97, by failing to carry at least two properly filled out AETC Forms 341, Excellence/Discrepancy Report. For this misconduct you received an AETC Form 173, Record of nonacademic counseling on 20 Nov 98.

e. You did, at or near Sheppard AFB TX, on or about 19 Nov 98, jump off the instructor's desk, when confronted you made a false official statement to your instructor. For this misconduct you received an AETC Form 173, Record of Nonacademic Counseling on 20 Nov 98.

f. You did, at or near Sheppard AFB TX, on or about 16 Oct 98, violate a lawful general instruction, to wit: paragraph 2.1.3, SAFBI 36-2902, dated 15 Oct 97, by failing to keep your room in inspection order at all times. For this misconduct you received an AETC Form 341, Discrepancy Report on 16 Oct 98.

g. You did, at or near Sheppard AFB TX, on or about 8 Oct 98, violate a lawful general instruction, to wit: paragraph 2.1.3, SAFBI 36-2902, dated 15 Oct 97, by failing to keep your room in inspection order at all times. For this misconduct you received an AETC Form 341, Discrepancy Report on 8 Oct 98.

h. You were, at or near Sheppard AFB TX, on or about 11 Aug 98, disrespectful to an NCO. For this misconduct you received an LOR on 13 Aug 98.

i. You did, at or near Sheppard AFB TX, on or about 12 Aug 98, disrupt the class while testing. For this misconduct you received an AF Form 174, Record of Individual Counseling on 12 Aug 98.

j. You did, at or near Sheppard AFB TX, on or about 9 Jul 98, horseplay in the lab. For this misconduct you received an AF Form 174, Record of Individual Counseling on 14 Jul 98.

k. You did, at or near Sheppard AFB TX, on or about 23 Jun 98, fail to report to your appointment place of duty at the appointed time, to wit: a mandatory dental appointment. For this misconduct you received an AF Form 174, Record of Individual Counseling, on 29 Jun 98.

l. You did, at or near Sheppard AFB TX, on or about 30 May 98, violate a lawful general instruction, to wit: paragraph 5.2.5, SAFBI 36-2902, dated 15 Oct 97, by failing to return and remain in your assigned dormitory from 2100 - 0400 Sunday Through Saturday. For this misconduct you received an LOR, on 9 Jun 98.

m. You did, at or near Sheppard AFB TX, on or about 22 May 98, violate a lawful general instruction, to wit: paragraph 5.2.5, SAFBI 36-2902, dated 15 Oct 97, by failing to return and remain in your assigned dormitory from 2100 - 0400 Sunday through Saturday. For this misconduct and subparagraph "n" below you received an LOR, on 28 May 98.

n. You did, at or near Sheppard AFB TX, on or about 25 May 98, violate a lawful general instruction, to wit: paragraph 5.2.3, SAFBI 36-2902, dated 15 Oct 97, by using or entering any privately owned vehicle while in Military Training Phase I.

o. You did, at or near Sheppard AFB TX, on or about 15 May 98, violate a lawful general instruction, to wit: paragraph 5.2.5, SAFBI 36-2902, dated 15 Oct 97, by failing to return to and remain in your assigned dormitory from 2100 - 0400 Sunday through Saturday. For this misconduct you received an AF Form 174, on 20 May 98.

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 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], Area Defense Counsel, at Bldg 1638, on 6 Jan 99 at 1500 hours. 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 8 Jan 99 0830, 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 submit statements in your own behalf, your failure will constitute a waiver of your right to do so.
6. You had a separation physical on 16 Dec 98.
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 361 TRS student administration office.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]

Attachments:

1. AF Form 3070, 11 Dec 98
2. AF Form 1168, [REDACTED] 22 Nov 98
3. E-mail, [REDACTED] 30 Nov 98
4. AF Form 1168, [REDACTED] 25 Nov 98
5. AF Form 1168, [REDACTED] 24 Nov 98
6. AF Form 1168, [REDACTED] 24 Nov 98
7. AF Form 1168, [REDACTED] 24 Nov 98
8. Letter of Reprimand, 25 Nov 98
9. AETC Form 173, 20 Nov 98
10. AETC Form 173, 20 Nov 98
11. AETC Form 341, 16 Oct 98
12. AETC Form 341, 8 Oct 98
13. Letter of Reprimand, 13 Aug 98
14. Response to LOR, Undated
15. AF Form 174, 12 Aug 98
16. AF Form 174, 14 Jul 98
17. AF Form 174, 29 Jun 98
18. Letter of Reprimand, 9 Jun 98
19. MFR, [REDACTED] 3 Jun 98
20. Letter of Reprimand, 28 May 98
21. Response to LOR, Undated, Unsigned
22. AF Form 174, 20 May 98
23. Memo, [REDACTED] 18 Dec 98
24. Airman's Receipt of Notification Memorandum [REDACTED]