

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>A1C</b>	AFSN/SSAN <b>[REDACTED]</b>
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">NO</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
YES	NO					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES <b>A94.53, A92.37</b>	INDEX NUMBER <b>A67.50</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; text-align: center; padding: 5px;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center; padding: 5px;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center; padding: 5px;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center; padding: 5px;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		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
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HEARING DATE <b>03-04-15</b>	CASE NUMBER <b>FD2002-0376</b>																	

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
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INDORSEMENT	DATE: <b>03-04-15</b>
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<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

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

**FINDINGS:** Upgrade of discharge is denied.

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.

Issues. Applicant was discharged for a pattern of misconduct. She had two Records of Individual Counseling, a Letter of Counseling, a Letter of Reprimand, and two Articles 15. There were also three Memos for Record documenting misconduct. Of three Enlisted Performance Reports, one was rated an overall "2" and another was a referral "1." Member's misconduct included three instances of failure to go, causing a fire hazard in the dorm, wearing the wrong uniform to work, unauthorized use of another airman's personal telephone and failing to pay the resulting bill, leaving her duty section for an excessive period of time and failing to respond to a page, and sleeping on duty. These offenses occurred over a 24-month period and although member was counseled repeatedly and given numerous opportunities to improve and change her negative behavior, she was unable or unwilling to do so. At the time of the discharge, applicant waived her right to submit statements in her own behalf. The Board found applicant's repeated misconduct was a significant departure from the standards expected of all airmen, therefore, no inequity or impropriety was found in his discharge in the course of the records review.

**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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Jun 92 UP AFR 39-10, para 5-47b (Pattern of Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 25 Jan 68. Enlmt Age: 20 7/12. Disch Age: 24 4/12. Educ: HS DIPL. AFQT: N/A. A-68, E-53, G-53, M-40. PAFSC: 90350 - Radiological Specialist. DAS: 10 Dec 89.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Sep 88 for 4 yrs. Svd: 3 Yrs 8 Mo 28 Das, all AMS.

b. Grade Status: A1C - 11 May 92 (Article 15, 11 May 92)  
SRA - 28 Jan 92  
A1C - 07 Jan 90  
AMN - (EPR Indicates): 7 Sep 88-6 May 90

c. Time Lost: None.

d. Art 15's: (1) 11 May 92, Nellis AFB, NV - Article 92. Preliminary investigation has disclosed that you, who knew of your duties, on or about 26 Apr 92, were derelict in the performance of those duties in that you negligently failed to remain awake while performing duties as a Radiology Technician as it was your duty to do. Reduction to A1C, suspended forfeiture of \$250.00 pay per month for 2 months. (No appeal) (No mitigation)

(2) 26 Jul 91, Nellis AFB, NV - Article 92. Preliminary investigation has disclosed that you, who knew or should have known of your duties, on or about 12 Jul 91, were derelict in the performance of those duties in that you left your primary duty area for an excessive period of time, you willfully failed to respond to a beeper page when you were needed to provide patient service, and you willfully avoided performing your duties. Suspended reduction to Airman, and forfeiture of \$100.00 pay per month for two months. (No appeal) (No mitigation)

e. Additional: RIC, 12 MAR 91 - Dereliction of duty.  
RIC, 05 FEB 91 - Unauthorized use of personal telephone, failing to pay phone bill, and disorderly

behavior.

MFR, 07 SEP 90 - Wearing the wrong uniform for duty.  
 LOC, 09 AUG 90 - Late for duty.  
 MFR, 08 AUG 90 - Late for duty.  
 LOR, 07 JUN 90 - Causing a fire hazard.  
 MFR, 3/4 MAY 90 - Late for duty.

f. CM: None.

g. Record of SV: 7 Sep 88 - 6 May 90 Nellis AFB 4 (Initial)  
 7 May 90 - 6 May 91 Nellis AFB 2 (Annual)  
 7 May 91 - 6 May 92 Nellis AFB 1 (Annual) **REF**

(Discharged from Nellis AFB)

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

i. Stmt of Sv: TMS: (3) Yrs (8) Mos (28) Das  
 TAMS: (3) Yrs (8) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 Aug 02.  
 (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**

1. Request for Records.
2. DD Form 214.

06DEC02/ia



**DEPARTMENT OF THE AIR FORCE**  
**HEADQUARTERS USAF FIGHTER WEAPONS CENTER (TAC)**  
 NELLIS AIR FORCE BASE NV 89191 - 5000

REPLY TO  
 ATTN OF:

JA (Capt Murdock/25554)

29 May 92

SUBJECT:

Legal Review of Administrative Discharge Proceedings Under AFR 39-10, Para 5-47b, [REDACTED]

TO: 554 SG/CC

1. Background: On 26 May 1992, the Squadron Section Commander 554th Medical Group, recommended that the respondent, [REDACTED], be discharged under AFR 39-10, paragraph 5-47b for a pattern of misconduct with a general discharge without probation and rehabilitation (P&R). The case is being processed by notification procedure. As the special court-martial convening authority, you have the following alternatives:

- a. Direct that the respondent be retained; or,
- b. Recommend to FWC/CC that the respondent receive an honorable discharge with or without P&R; or,
- c. Direct that the respondent be discharged with a general discharge with or without P&R; or,
- d. Direct reinitiation of this case under Section C, Board Hearing or Waiver.

2. Facts:

a. For the Government: A preponderance of the evidence establishes that the following incidents occurred during the respondent's current enlistment:

<u>Date</u>	<u>Incident</u>	<u>Action</u>
26 Apr 92	Failure to Remain Awake While Performing Duties	Article 15
12 Jul 91	Derelect in the Performance of Duties	Article 15
11 Mar 91	Derelect in the Performance of Duties	Record of Individual Counseling

1 Feb 91	Using Roommates Phone Without Permission, Failure to Pay Phone Bill & Disorderly Behavior	Record of Individual Counseling
7 Sep 90	Reporting for Duty Out of Uniform	Memo for Record
9 Aug 90	Late for Duty	Letter of Counseling
8 Aug 90	Late for Duty	Memo for Record
6 Jun 90	Caused a Fire Hazard	Letter of Reprimand
3 May 90 & 4 May 90	Late for Duty	Memo for Record

This information may be considered to determine whether the respondent is subject to discharge, whether she should be discharged, and if discharged, the character of discharge.

b. For the Respondent: The respondent is a 24 year old Airman First Class with over three years and eight months of active military service. Her overall performance reports are 4, 2 and 1. She is entitled to wear the AF Good Conduct Medal, AF Outstanding Unit Award, AF Training Ribbon and the National Defense Service Medal. Her test scores are: Admin-68, Elec-53, Gen-53, Mech-40. The respondent declined to submit matters for your consideration.

3. Errors and Irregularities: There are no errors or irregularities prejudicial to the substantive rights of the respondent. This legal review is contingent upon the respondent being given a physical exam and being found qualified for world-wide duty.

4. Conclusions:

a. The file has been prepared in substantial compliance with AFR 39-10 and is legally sufficient.

b. A member is subject to discharge when she establishes a pattern of misconduct in the current enlistment that is prejudicial to good order and discipline. The respondent's conduct meets the definition of conduct prejudicial to good order and discipline which includes conduct of a nature that tends to disrupt order, discipline, or morale within the military community and causes dissent, disruption, and degradation of mission effectiveness.

c. Discharges for misconduct should usually be characterized as under other than honorable conditions (UOTHC). If the misconduct does not warrant that characterization, the separation may be characterized as general. The separation may be characterized as honorable only if the member's record has been so meritorious that any other characterization would be clearly inappropriate. The misconduct in this case does not warrant a UOTHC, because it is not a significant enough departure from the conduct expected of airmen. The respondent's record is not meritorious enough to warrant an honorable discharge. In this case, a general discharge is appropriate because negative aspects of the respondent's conduct outweigh positive aspects of the respondent's military record.

d. The commander has not recommended P&R. The commander has determined that the member is unable to meet Air Force standards despite counseling and rehabilitation efforts.

5. Recommendations: I recommend that you approve the respondent's discharge from the United States Air Force with a general discharge, under honorable conditions, without P&R.

 USAF  
Assistant Staff Judge Advocate

I Concur.

 USAF  
Staff Judge Advocate



## DEPARTMENT OF THE AIR FORCE

554TH MEDICAL GROUP (TAC)  
NELLIS AIR FORCE BASE NV 89191-5300

REPLY TO  
ATTN OF:

CCQ

26 May 92

SUBJECT:

Notification Letter

TO:

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFR 39-10, paragraph 5-47b. 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. On or about 26 Apr 92, you were derelict in the performance of your duties in that you negligently failed to remain awake while performing duties as a Radiology Technician, as evidenced by an Article 15 dated 11 May 92;

b. On or about 12 Jul 91, you were derelict in the performance of your duties in that you left your primary duty area for an excessive period of time, you willfully failed to respond to a beeper page when you were needed to provide patient service, and you willfully avoided performing your duties, as evidenced by an Article 15 dated 26 Jul 91;

c. On or about 11 Mar 91, you were derelict in the performance of your duties in that you left your primary duty area for an excessive period of time, as evidenced by a Record of Individual Counseling dated 12 Mar 91;

d. On or about 1 Feb 91, you were counseled for using your roommate's telephone without her consent, not paying your roommate for a phone bill, and disorderly behavior, as evidenced by a Record of individual Counseling dated 5 Feb 91;

e. On or about 7 Sep 90, you reported for duty in the wrong uniform as evidenced by a Memo for the Record dated 7 Sep 90;

f. On or about 9 Aug 90, you were late for duty as evidenced by a Letter of Counseling dated 9 Aug 90;

g. On or about 8 Aug 90, you were late for duty as evidenced by a Memo for the Record dated 8 Aug 90;

h. On or about 6 Jun 90, you had a curling iron plugged into an outlet and unattended causing a fire hazard as evidenced by a Letter of Reprimand dated 7 Jun 90; and

*Readiness is our Profession*



i. On or about 3 May 90 and on or about 4 May 90, you were late for duty as evidenced by a Memo for the Record dated 3/4 May 90.

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.

3. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel at Bldg 43 on Tuesday 26 May 92 at 1000 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 29 May 92 at 0915 hours 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 have been scheduled for or have had a medical examination at the 554th Medical Group, Physical Exam Section on 3 May 92.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in your Unit Orderly Room.

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

 USAF  
Squadron Section Commander

2 Atchs

1. Supporting documents for the reasons for discharge
2. Airman's Receipt of Notification Ltr