

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>AB</b>	AFSN/SSAN <b>[REDACTED]</b>				
TYPE	<b>PERSONAL APPEARANCE</b>		<b>X RECORD REVIEW</b>				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO						
	<b>X</b>						
<b>MEMBERS SITTING</b>			<b>VOTE OF THE BOARD</b>				
			HON	GEN	UOTHC	OTHER	DENY
<b>[REDACTED]</b>			<b>X</b>				
			<b>X</b>				
			<b>X</b>				
			<b>X</b>				
			<b>X</b>				
ISSUES <b>A94.02</b>	INDEX NUMBER <b>A67.30</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>					
		<b>1</b>	ORDER APPOINTING THE BOARD				
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE				
		<b>3</b>	LETTER OF NOTIFICATION				
		<b>4</b>	BRIEF OF PERSONNEL FILE				
					COUNSEL'S RELEASE TO THE BOARD		
HEARING DATE <b>22 JAN 03</b>		CASE NUMBER <b>FD2002-0388</b>		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.</b>							
<b>Discharge is upgraded to Honorable, Secretarial Authority.</b>							
SIGNATURE OF RECORDER <b>[REDACTED]</b>			SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>				
INDORSEMENT				DATE: <b>22 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, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0388

**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:** The discharge is upgraded to Honorable, and the reason for discharge is changed to Secretarial Authority.

The board finds that neither evidence of record nor that provided by the applicant substantiates an impropriety, which would justify a change of discharge. However, after a thorough review of the record, the Board finds that the applicant's character of discharge is inequitable.

**ISSUE:** The applicant states that her discharge was inequitable because her commander recommended her for discharge based on the fact that she would not reenlist and the fact that she was not given proper time to respond to the discharge. The records indicate the member received a Special Court Martial for intentionally injuring herself by cutting her throat and by ingesting various medications and other substances for the purpose of avoiding a temporary duty assignment to Saudi Arabia. Then, on the day she was to separate after four years of service, she received a General discharge. After a thorough and complete consideration of the information submitted by the applicant and the information contained in the record, the Board concluded there was sufficient mitigation and extenuation to substantiate upgrade of the discharge and to change the reason for the discharge. While the DRB did not condone the applicant's actions, they did feel it would have been more equitable to let her separate at her ETS with an Honorable discharge.

**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.

However, in view of the foregoing findings the Board also concludes that the overall quality of the applicant's service is more accurately reflected by an Honorable discharge. Therefore, the applicant's characterization for discharge should be changed to Honorable. The Reason for discharge should be changed to Secretarial Authority.

Attachment:  
Examiner's Brief

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

(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Jun 02 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 29 Dec 79. Enlmt Age: 18 4/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-77, E-39, G-36, M-17. PAFSC: 3A031 - Information Management Apprentice. DAS: 31 Aug 99.

b. Prior Sv: (1) AFRes 6 May 98 - 3 Jun 98 (29 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 4 Jun 98 for 4 yrs. Svd: 4 Yrs 0 Mos 0 Das, all AMS.

b. Grade Status: AB - 8 Feb 02 (SPCM Order No. 3, 16 May 02)  
SRA - 4 Jan 01  
A1C - 4 Oct 99  
AMN - 4 Dec 98

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial Order No. 3, 16 May 2002

CHARGE 1: article 115. Plea: Not Guilty. Finding: Guilty.

SPECIFICATION: In that Senior Airman -----, did, at or near Edwards Air Force Base, CA, on or about 30 Aug 01, for the purpose of avoiding her temporary duty assignment to Eskan Village, Saudi Arabia, intentionally injure herself by cutting her throat and by ingesting various medications and other substances.

CHARGE II: Article 134. Plea. Dismissed prior to pleas. Finding: Dismissed prior to pleas.

SPECIFICATION: In that Senior Airman -----, did, on diverse occasions, at Edwards Air Force Base, CA, on or about 29 Aug 01, by words or actions, indicate her refusal to deploy on her temporary duty assignment to Eskan Village, Saudi Arabia, which under the circumstances, was to the prejudice of good order and

discipline in the Armed Forces or was of a nature to bring discredit upon the armed forces. Sentence approved for reduction to the grade of AB, forfeiture of \$545.00 pay per month for three months, and a reprimand.

g. Record of SV: 4 Jun 98 - 3 Feb 00 Edwards AFB 5 (Initial)  
4 Feb 00 - 3 Feb 01 Edwards AFB 5 (Annual)

(Discharged from Edwards AFB)

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

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (29) Das  
TAMS: (4) Yrs (0) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Aug 02.  
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because my commander recommended me for discharge based on the fact that I would not reenlist. Everyone has decision to reenlist after their obligated term of service. I was told by my defense attorney after my court-martial that I would not be eligible to reenlist.

Issue 2: I was discharged on my normal separation date (3 June 02). I don't feel I was given proper time to respond to my discharge. I was given 3 days to complete my response. My defense attorney requested a delay in responding to the discharge, which was denied because of my impending date of separation.

**ATCH**

1. Applicant's Letter.
2. Discharge Documents.

13Dec02 cr



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 412<sup>TH</sup> TEST WING (AFMC)  
EDWARDS AIR FORCE BASE, CALIFORNIA

28 May 02

MEMORANDUM FOR [REDACTED] USAF TPS

FROM: USAF TPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense (Other Serious Offenses). The authority for this action is AFPD 36-32 and AFM 36-3208, paragraph 5.52.3. If my recommendation is approved, your discharge will be characterized as either honorable or under honorable conditions (general). I am recommending a an under honorable conditions (general discharge)

2. My reasons for discharging you for Commission of a Serious Offense are as follows:

a. On 30 Aug 01, you avoided a temporary duty to Saudi Arabia and intentionally cut your throat and ingested various medications for which you were found guilty by a Special Court-Martial, in Violation of UCMJ, Article 115. The following documents are attached as evidence:

- 1. AF Form 1359 (Report of Result of Trial)
- 2. Convening Authority Action
- 3. Special Court-Martial Order No. 3

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial convening authority (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] at Bldg 2670 on 30 May 02 at 0900. 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 31 May 02 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 medical examination. You must report to the Physical Examination Section, Flight Surgeon's Office, Bldg 3925 at 0930 on 28 May 02 for the examination.

8. 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 Orderly Room.



Attachments:

1. Supporting Documentation
  - 1.1 AF Form 1359; Convening Authority Action; SPCM No. 3
2. Airman's Receipt of Notification/Recoupment Memorandum
3. Airman's Statement
4. EPRs



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE FLIGHT TEST CENTER (AFMC)  
EDWARDS AIR FORCE BASE, CALIFORNIA

31 May 2002

MEMORANDUM FOR 95 ABW/CC

FROM: AFFTC/JA

SUBJECT: Legal Review-Administrative Discharge Under AFI 36-3208, paragraph 5.52.3,  
[REDACTED], USAF TPS

1. **Background:** This discharge action is being processed against the respondent, [REDACTED], USAF TPS, for Commission of a Serious Offense (Other Serious Offenses, AFI 36-3208, paragraph 5.52.3. The package is legally sufficient subject to proper medical clearance. The respondent acknowledged that military legal counsel was made available to her and she has consulted with counsel. (Atch 3)

2. **Analysis:** Airmen are subject to discharge for misconduct based on the commission of a serious offense if a punitive discharge would be authorized for the same or a closely related offense under the MCM. This category of misconduct is of a nature that tends to disrupt order, discipline, or morale within the military community and usually involves causing dissent, disruption, and degradation of mission effectiveness. In the case under consideration, the respondent committed the following infractions:

a. On 30 Aug 01, the respondent avoided a temporary duty to Saudi Arabia, intentionally cut her throat and ingested various medications for which the respondent was found guilty by a Special Court-Martial, in Violation of UCMJ, Article 115. The following documents are attached as evidence:

1. AF Form 1359 (Report of Result of Trial)
2. Special Court-Martial Convening Authority Action
3. Special Court-Martial Order No. 3

3. **Discussion of Respondent's Background:** On 4 Jun 98, the respondent joined the Air Force for a term of 4 years. On 31 Aug 99, the respondent arrived at Edwards AFB, California. Her duty performance, both prior to and after the malingering offense, has been outstanding (two firewall 5 EPRs). The respondent is authorized to wear the Air Force Achievement Medal and the Air Force Training Ribbon. The respondent was found guilty by a Special Court-Martial, in Violation of UCMJ, Article 115.

4. **Basis for Discharge:** There is sufficient evidence to support discharge of the respondent in this case for Commission of a Serious Offense (Other Serious Offenses). The respondent was found

guilty by a Special Courts-Martial for avoiding a temporary duty to Saudi Arabia, intentionally cutting her throat and ingesting various medications.

5. **Discussion of Respondent's Statement:** The respondent has acknowledged that military legal counsel was made available to her and she consulted with counsel. The respondent has submitted statements for your consideration urging you to allow her to separate with an Honorable Discharge on her normal End of Term of Service (ETS) date on 3 Jun 2002. (Atch 3)

6. **Characterization of Discharge:** If you determine the respondent should be discharged, you must further decide how to characterize the respondent's service during her current enlistment. The respondent's commander, [REDACTED], recommends the respondent be discharged with an under honorable conditions (general) characterization. According to AFI 36-3208, para 1.18.2, an airman's service should be characterized as under honorable conditions (general) when significant negative aspects of the airman's conduct or duty performance outweigh positive aspects of the airman's military record. Further, when an airman is discharged for misconduct, an honorable discharge is only merited when an airman's record "... has been so meritorious that any other characterization would be clearly inappropriate." AFI 36-3208, Chapter 5, Section H, para 5.48. Due to the seriousness of the courts-martial conviction, the respondent's behavior leading to the conviction outweighs the positive aspects of her military record. I concur with the commander's recommendation the respondent be discharged with an under honorable conditions (general) discharge.

7. **Probation and Rehabilitation:** Pursuant to AFI 36-3208, Chapter 7, the Probation and Rehabilitation (P&R) program provides an opportunity for airmen subject to involuntary separation to remain in the Air Force until their normal date of separation. Based on this program, execution of the approved discharge is conditionally suspended for no less than 6 months but not more than 12 months. This gives the member a chance to show that she is able to meet Air Force Standards. The suspended discharge will be automatically canceled after completion of the period stated on the P&R notification, unless the suspension has been vacated, or action to vacate it has been initiated. [REDACTED] recommends against P&R. I concur. The respondent's misconduct, for which she was tried and convicted, has not demonstrated the kind of attitude that would support a recommendation for P&R.

8. **95 ABW/CC Options:** As separation authority in this case, you may:

- a. Retain the respondent; or
- b. Discharge the respondent with an under honorable conditions (general) discharge for Commission of a Serious Offense (Other Serious Offenses) AFI 36-3208, para 5.52.3 with or without P&R; or
- c. Recommend to AFFTC/CC that the respondent receive an honorable discharge for Commission of a Serious Offense (Other Serious Offenses), AFI 36-3208, para 5.52.3, with or without P&R; or
- d. Return the package to the unit for further processing if you determine that the discharge should be characterized as under other than honorable conditions.



9. **Recommendation:** The respondent's commander, [REDACTED] recommends that the respondent be discharged with an under honorable conditions (general) discharge for Commission of a Serious Offense (Other Serious Offenses), per AFI 36-3208, paragraph 5.52.3. Based on the respondent's conduct, I agree with the respondent's commander and recommend the respondent be discharged with a under honorable conditions (general) discharge without probation and rehabilitation. If you concur, please sign the letter located at Tab 1.

[REDACTED]