

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE A1C	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	X					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOHC	OTHER	DENY
						X
						X
						X
						X
						X
ISSUES A93.09	INDEX NUMBER A67.30	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			
HEARING DATE 26 FEB 03		CASE NUMBER FD2002-0391				
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			
INDORSEMENT				DATE: 26 FEB 03		
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

FD02-0391

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received an Article 15 for failure to report to the immunization clinic to receive an Anthrax vaccination. The DRB opined that the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reason that was the basis for this case. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of 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.

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 12 APR 00 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 21 Jan 77. Enlmt Age: 17 10/12. Disch Age: 23 2/12. Educ: HS DIPL. AFQT: N/A. A-77, E-76, G-62, M-57. PAFSC: 3C051 - Communications/Computer Systems Operations Journeyman. DAS: 19 Jul 99.

b. Prior Sv: (1) AFRes 14 Dec 94 - 13 Jun 95 (6 months) (Inactive).

(2) Enlisted as AB 14 Jun 95 for 4 yrs. Svd: 3 yrs 7 months 27 days, all AMS. AMN-(EPR Indicates): 14 Jun 95-13 Feb 97. A1C - 14 Oct 96. SRA - 14 Jun 98. EPRs: 4,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 11 Feb 99 for 4 yrs. Svd: 1 Yr 2 Mos 1 Das, all AMS.

b. Grade Status: A1C - 31 Jan 00 (Article 15, 31 Jan 00)

c. Time Lost: None.

d. Art 15's: (1) 31 Jan 00, Bolling AFB, DC - Article 92. You, having knowledge of a lawful order issued by LtCol -----, to report to the Bolling AFB, Washington DC Immunization Clinic to receive an Anthrax vaccination, an order which it was your duty to obey, did on or about 13 Dec 99, fail to obey the same by failing to report to the Bolling AFB, Washington DC Immunization Clinic at the date and time prescribed. Reduction to A1C. Suspended forfeiture of \$100.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 14 Feb 98 - 13 Feb 99 Eielson AFB 5 (Annual)

(Discharged from Bolling AFB)

h. Awards & Decs: AFAM, AFGCM, NDSM, AFOSLTR, AFLSAR, AFTR.

i. Stmt of Sv: TMS: (5) Yrs (4) Mos (0) Das
TAMS: (4) Yrs (10) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Sep 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. Three Character References.

16DEC02/ai



DEPARTMENT OF THE AIR FORCE
11TH WING

FD 2002-0391

MEMORANDUM FOR HQ 11 SPTG/CC

APR 04 2000

FROM: HQ 11 WG/JA
20 MacDill Blvd Suite 207
Bolling AFB DC 20332

SUBJECT: Legal Review - Administrative Discharge of [REDACTED]
[REDACTED] AFPCA, Washington, DC - ACTION MEMORANDUM

1. I have reviewed the referenced AFI 36-3208 action. [REDACTED] A (hereafter "respondent"), is a 23-year-old member who has been on active duty since 14 June 1995. The AFPCA MS/CC has initiated discharge proceedings under the provisions of AFPD 36-32 and AFI 36-3208, paragraph 5.52.3, for Commission of a Serious Offense. The respondent was notified of these proceedings on 23 March 2000, has consulted counsel, and has submitted a statement for your consideration. The file is legally sufficient to support discharge.

2. Evidence supporting discharge:

a. On 13 December 1999, the respondent, having knowledge of a lawful order issued by [REDACTED] to report to the Bolling Air Force Base, Washington District of Columbia Immunization Clinic to receive an Anthrax vaccination, an order which it was her duty to obey, failed to obey the same by failing to report to the Bolling Air Force Base, Washington District of Columbia Immunization Clinic at the date and time prescribed. For this misconduct, the respondent received an Article 15 dated 31 January 2000

3. Information on the Respondent: The respondent has three Enlisted Performance Reports (EPRs) on file. The respondent has been awarded the Air Force Achievement Medal, Air Force Good Conduct Medal, National Defense Service Medal, Air Force Overseas Ribbon Long, Air Force Longevity Service Award, and Air Force Training Ribbon.

4. Medical Information: The report of medical assessment on the respondent is within the package. There is no medical condition preventing her discharge.

5. Respondent's Statement: The respondent requests that she receive an Honorable Discharge because of her service achievements.

6. Discharge Considerations: This discharge action raises four issues for your consideration: whether the respondent is subject to discharge; if the respondent is subject to discharge, whether the respondent be discharged; if discharged, what is the appropriate characterization of service; and whether the respondent should be offered Probation and Rehabilitation IAW AFI 36-3208, Chapter 7.

a. The Respondent is Subject to Discharge: Under the provisions of AFI 36-3208, paragraph 5.52.3, an enlisted member is 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 UCMJ. Discharge processing should be initiated if the specific circumstances of the offense warrant separation.

b. The Respondent Should be Discharged: The respondent should be discharged because she has demonstrated that she is unwilling to conform to the standards expected of airmen in the United States Air Force. The respondent has had ample opportunity to conform to military standards. The respondent has blatantly disregarded her military obligations and can not be made a productive member of the Air Force. Therefore, the respondent should be discharged.

c. Appropriate Service Characterization: Under the provisions of AFI 36-3208, the respondent may be discharged with a service characterization of Honorable, General or Under Other Than Honorable Conditions (UOTHC).

(1) Under paragraph 1.18, a General Discharge is appropriate when the member's service has been honest and faithful but is outweighed by significant negative aspects of the member's record. The facts in this case support a service characterization of General.

(2) An Honorable Discharge is given when the quality of the airman's service generally has met Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate. In this case, an Honorable Discharge is not warranted because of the disciplinary actions taken against the respondent. There is no evidence that the respondent's "service is otherwise so meritorious that any other characterization would be inappropriate."

(3) A UOTHC discharge is appropriate when the reason for separation is "a significant departure from the conduct expected of airman." Such examples include use of force/violence to produce serious bodily injuries/death or acts of omissions that endanger the health/welfare of other Air Force members. In this case, the respondent's misconduct does not warrant a UOTHC discharge.

d. Probation and Rehabilitation: Probation and Rehabilitation under the provisions of Chapter 7 should not be offered to the respondent in this case, because of the

seriousness of her misconduct and the respondent's demonstrated unwillingness to comply with Air Force standards.

7. Options: You have the following options with respect to this discharge:

a. Retain the respondent in the Air Force by returning the package to the initiating commander and terminating the discharge proceedings; or

b. Order the separation of the respondent with a General Discharge with or without offering Probation and Rehabilitation; or

c. Forward the package to HQ 11 WG/CC with a recommendation that the respondent be discharged with an Honorable or UOTHC Discharge.

8. Recommendations: I recommend that you separate the respondent with a General Discharge without Probation and Rehabilitation. This may be accomplished by signing the attached document.



Attachments:

1. Draft Discharge Order
2. 11 CS/CC Recommendation, 30 March 00
3. [REDACTED] statement, 27 Mar 00
4. Discharge Package



DEPARTMENT OF THE AIR FORCE
11TH WING

FD 2002-0391

MAR 23 2000

MEMORANDUM FOR [REDACTED]

11 CS

FROM: 11 CS/CC
20 MacDill Blvd Suite 102
Bolling AFB DC 20332-0403

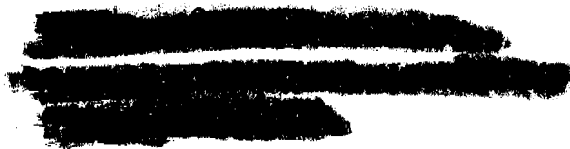
SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.52.3. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General without Probation and Rehabilitation.
2. My reasons for this action are:
 - a. On 13 December 1999, you, having knowledge of a lawful order issued by [REDACTED] to report to the Bolling Air Force Base, Washington District of Columbia Immunization Clinic to receive an Anthrax vaccination, an order which it was your duty to obey, failed to obey the same by failing to report to the Bolling Air Force Base, Washington District of Columbia Immunization Clinic at the date and time prescribed. For this misconduct, you received an Article 15 dated 31 January 2000 (Atch 1).
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. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.
4. You have the right to counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt. [REDACTED], the Area Defense Counsel, Bldg. 1430, Andrews AFB MD, (240) 857-6624 on 24 March 2000, at 1030 hours. You may consult civilian counsel at your own expense.
5. You have been scheduled for a medical examination. You must report to the Bolling AFB Clinic, Bldg. 1300, on 22 March 2000 at 0800 hours for the examination.

6. You have the right to submit a statement on your own behalf. Any statements you want the separation authority to consider must reach me within 3 duty days of receipt of this notification, unless you request and receive an approved extension. I will send any documents you submit to the separation authority.

7. If you fail to consult counsel or to submit statements on your behalf, your failure will constitute a waiver of your right to do so.

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 your orderly room.



Attachments:

Article 15, dtd 31 Jan 00.