

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE ██████████	AFSN/SSAN ██████████
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TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL			
NAME OF COUNSEL AND OR ORGANIZATION					
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td align="center"><input checked="" type="checkbox"/></td> </tr> </table>	YES		No		<input checked="" type="checkbox"/>
YES	No				
	<input checked="" type="checkbox"/>				

MEMBER SITTING	TYPE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					<input checked="" type="checkbox"/>
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ISSUES A92.21, A93.01	INDEX NUMBER A67.90	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
HEARING DATE 20 Oct 2003	CASE NUMBER FD-2002-0428	ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE

Case heard at the Air Reserve Personnel Center; Denver, Colorado

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

INDORSEMENT		DATE 10/20/03
TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2002-0428

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge, and to change the reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at the Air Reserve Personnel Center on 20 October 2003. The following additional exhibits were submitted at the hearing:

Exhibit 5: Laramie County Community College Student Character Letter, 15 October 2003

Exhibit 6: Volunteer Letter from The ARC of Laramie County, 6 Oct 03

Exhibit 7: Volunteer Letter from the Cheyenne YMCA, Undated

Exhibit 8: Work-Related Character References (3)

Exhibit 9: Personal-Related Character Reference, 23 August 2003

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

FINDINGS: Upgrade of Discharge, change of reason, and change of reenlistment code are denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE:

The applicant was discharged with a General Discharge for Misconduct. Member received two Article 15s and one vacated Article 15 for failure to go to her place of duty, failure to refrain from drinking alcohol underage, making false identification cards, and fleeing apprehension by an armed forces policeman. She also received a LOR for dereliction of duty and a LOC for failure to report to duty as required. The Board concluded the disciplinary infractions were a significant departure from the 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.

Applicant contends that she should not be penalized indefinitely for a mistake she made when young. The DRB recognized the applicant was 21 years of age when the discharge took place. However, there is no evidence she was immature or did not know right from wrong.

The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in her discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized her term of service.

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.

Attachment:

Examiner's Brief

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

MISSING MEDICAL RECORDS

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 11 Dec 01 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 3 Sep 80. Enlmt Age: 18 6/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-87, E-63, G-59, M-53. PAFSC: 3M031 - Services Apprentice. DAS: 16 Aug 99.

b. Prior Sv: (1) AFRes 19 Mar 99 - 27 Apr 99 (1 Month 9 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 28 Apr 99 for 4 yrs. Svd: 2 Yrs 7 Mos 14 Das, of which AMS is 2 Yrs 7 Mos 10 Das (Ex: 4 Das lost time)

b. Grade Status: AB - 31 Jan 01 (Article 15, 31 Jan 01)
AMN - 9 Aug 00
AB - 9 Feb 00 (Article 15, 9 Feb 00)
AMN - 28 Oct 99

c. Time Lost: 5 Jan 01 - 8 Jan 01 (4 days)

d. Art 15's: (1) 31 Jan 01, F. E. Warren AFB, WY - Article 86. You, did, on or about 31 Oct 00, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, who knew of your duties, on or about 21 Oct 00, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic liquor or malt beverages while under the legal drinking age of twenty-one years, as it was your duty to do. Article 134. You, did, between on or about 1 Jun 00 and on or about 1 Nov 00, wrongfully and falsely make a certain instrument purporting to be your military identification card in words and figures as follows: using a copy of the back of a twenty-one year old or older airman's military ID and affixing it to the back of your military ID. You did, between on or about 1 Jun 00 and on or about 1 Nov 00, wrongfully and falsely make a certain instrument purporting to be

another's military identification card in words and figures as follows: using a copy of the back of a twenty-one year old or older airman's military ID and affixing it to the back of Amn ----- military ID. Reduction to the grade of AB, forfeiture of \$100.00 pay per month for two months, and 45 days extra duty. (No appeal) (No mitigation)

(2) 12 Apr 00, Vacation, F. E. Warren AFB, WY - Article 86. You did, on divers occasions between on or about 14 Feb 00 and 9 Mar 00, without authority, fail to go at the time prescribed to your appointed places of duty. You did, on divers occasions between on or about 22 Feb 00 and 3 Mar 00, without authority, go from your appointed place of duty. Forfeiture of \$150.00 pay per month for two months. (No appeal) (No mitigation)

(3) 9 Feb 00, F. E. Warren AFB, WY - Article 92. You who knew of your duties, on or about 14 Jan 00, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the legal drinking age of 21 years, as it was your duty to do. Article 95. You did, on or about 14 Jan 00, flee apprehension by Master Sergeant -----, an armed force policeman, a person authorized to apprehend you. Reduction to the grade of AB, suspended forfeiture of \$150.00 pay per month for two months, and 30 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 02 OCT 00 - Dereliction to duty.
LOC, 30 NOV 99 - Failure to report for duty as required.
- f. CM: None.
- g. Record of SV: 28 Apr 99 - 27 Dec 00 F. E. Warren AFB 1 (Initial) REF
(Discharged from F. E. Warren AFB)
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (2) Yrs (8) Mos (18) Das
TAMS: (2) Yrs (7) Mos (10) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 4 Oct 02.
(Upgrade Discharge to Honorable, and Change to Reentry Code, Reason and Authority)

Issue: I do not feel that at the time the idea of discharge was discussed that it was wrong. I made the decision over the choice of my commander to let

me stay in. Since that time I had changed my mind and wanted to continue my time in service. I wanted to make it a career. I am asking for the board to upgrade so I may be able to continue my career. If not with the military, then with the civilian world as a social worker for troubled teens. But I do need this upgrade to help myself. I know that the choices I made were wrong, and I was very immature. Believe me I deeply regret this day after day. I submit these documents in hope I will hear from the board soon.

ATCH

1. Applicant's Statement.
2. Three Letters of References.

16 Jan 03/cr



DEPARTMENT OF THE AIR FORCE
90TH SPACE WING (AFSPC)

MAR 08 2001

MEMORANDUM FOR [REDACTED]

FROM: 90 SVS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 Francis E. Warren Air Force Base, Wyoming, on or about 31 Oct 00, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 641, the Education Center, in violation of Article 86, UCMJ.

b. You, who knew of your duties at or near Francis E. Warren Air Force Base, Wyoming, on or about 21 Oct 00, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic liquor or malt beverages while under the legal age of twenty-one years, as it was your duty to do, in violation of Article 92, UCMJ.

c. You did, at or near Cheyenne, Wyoming, between on or about 1 Jun 00 and or about 1 Nov 00, wrongfully and falsely make a certain instrument purporting to be another's military identification card in words and figures as follows: using a copy of the back of a twenty-one year old or older airman's military ID and affixing it to the back of your military ID, in violation of Article 134, UCMJ.

d. You did, at or near Cheyenne, Wyoming, between on or about 1 Jun 00 and on or about 1 Nov 00, wrongfully and falsely make a certain instrument purporting to be another's military identification card in words and figures as follows: using a copy of the back of a twenty-one year old or older airman's military ID and affixing it to the back of [REDACTED]'s military ID, in violation of Article 134, UCMJ.

e. For the above offenses (items a-d), you were punished under Article 15, UCMJ, on 31 Jan 01. Punishment consisted of reduction of the grade of airman basic, forfeiture of \$100.00 pay per month for two months, and 45 days extra duty.

f. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 25 Sep 00 through on or about 29 Sep 00, were derelict in the performance of your duties in that you willfully manipulated the midnight meal schedule in order to obtain seven consecutive days off. For this misconduct, you received a Letter of Reprimand (LOR), dated 2 Oct 00.

g. You did, at or near Francis E. Warren Air Force Base, Wyoming, on divers occasions between on or about 14 Feb 00 and on or about 9 Mar 00, without authority, go from your appointed places of duty, to wit: Building 607 and building 347, in violation of Article 86, UCMJ.

h. You did, at or near Francis E. Warren Air Force Base, Wyoming, on divers occasions between on or about 22 Feb 00 and on or about 3 Mar 00, without authority, go from your appointed place of duty, to wit: Building 347, in violation of Article 86, UCMJ.

i. For the above offenses (items g-h), you received a Vacation of Suspended Nonjudicial Punishment on 12 Apr 00. Punishment consisted of forfeiture of \$150.00 pay per month for two months. This Vacation of Suspended Nonjudicial Punishment was placed in your existing Unfavorable Information File (UIF).

j. You, who knew of your duties at or near Francis E. Warren Air Force Base, Wyoming, on or about 14 Jan 00, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the legal drinking age of 21 years, as it was your duty to do, in violation of Article 92, UCMJ.

k. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 14 Jan 00, flee apprehension by ██████████, an armed force policeman, a person authorized to apprehend you, in violation of Article 95, UCMJ.

l. For the above offenses (items j-k), you were punished under Article 15, UCMJ, on 9 Feb 00. Punishment consisted of reduction to the grade of airman basic, suspended forfeiture of \$150.00 pay per month for two months, and 30 days extra duty. You also had a UIF established.

m. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 27 Oct 99, fail to report for duty as required. For this misconduct, you received a Letter of Counseling, dated 30 Nov 99.

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

