

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AMN</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE	<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
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>

ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.90</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 2px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; text-align: center; padding: 2px;"><b>1</b></td> <td style="padding: 2px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><b>2</b></td> <td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><b>3</b></td> <td style="padding: 2px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><b>4</b></td> <td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<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		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		TAPE RECORDING OF PERSONAL APPEARANCE HEARING
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HEARING DATE <b>15 APR 03</b>	CASE NUMBER <b>FD2002-0430</b>																	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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: <b>15 APR 03</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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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0430

**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 neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

**ISSUE:** Applicant contends that her discharge was too harsh and that she would like to receive her GI Bill. The record indicates the applicant received an Article 15 for unlawfully driving a motor vehicle while her license was suspended and for making a false statement to Security Forces. In addition, she received four Letters of Reprimand for failure to complete a task, issuing a worthless check, failure to obey an order, and failure to go. She also received three Letters of Counseling for improper leave procedures, financial irresponsibility, and failure to comply with office policy. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the 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

MISSING MEDICAL RECORDS

[REDACTED]  
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 29 Sep 99 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 18 Jul 79. Enlmt Age: 17 4/12. Disch Age: 20 2/12. Educ: HS DIPL. AFQT: N/A. A-92, E-26, G-36, M-19. PAFSC: 3A031 - Information Management Apprentice. DAS: 15 Sep 97.

b. Prior Sv: (1) AFRes 14 Dec 96 - 27 May 97 (5 Mos 14 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 28 May 97 for 4 yrs. Svd: 2 Yrs 4 Mos 2 Das, all AMS.

b. Grade Status: AMN - 19 Aug 99 (Article 15, 19 Aug 99)

c. Time Lost: None.

d. Art 15's: (1) 19 Aug 99, Shaw AFB, SC - Article 134. You did, on or about 6 Aug 99, unlawfully drive a motor vehicle while your license was suspended, in violation of South Carolina Code Annotated Section 56-1-460, as made applicable to military pursuant to the Federal Assimilative Crimes Act, Title 18, United States Code, Section 13. Article 107. You did, on or about 6 Aug 99, with intent to deceive, make to Security Forces Personnel, specifically MSgt -----, an official statement, to wit: that you did not have your DD Form 2 AF, Military Identification Card, in your possession, which statement was totally false and was then known by you to be so false. Reduction to the grade of AMN, 45 days extra duty, and 45 days restriction. (Appeal Denied) (No mitigation)

e. Additional: LOR, 24 AUG 99 - Failure to complete a task.  
LOR, 18 AUG 99 - Issuing a worthless check.  
LOC, 16 JUL 99 - Improper leave procedures.  
LOR, 02 MAR 99 - Failure to obey and order.  
LOC, 28 OCT 98 - Financial irresponsibility.  
LOR, 14 AUG 98 - Failure to go and to obey an order.  
LOC, 24 APR 98 - Failure to comply with office policy.

f. CM: None.

g. Record of SV: 28 May 97 - 13 Aug 98 Shaw AFB 3 (Cmdr Dir)REF  
14 Aug 98 - 13 Aug 99 Shaw AFB 3 (Annual)

(Discharged from Shaw AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (16) Das  
TAMS: (2) Yrs (4) Mos (2) Das

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

Issue: I ----- respectfully submit a request for an honorable discharge. I believe that though I am fully responsible for my actions the punishment was too severe. I entered the Air Force at the age of 17 and really did not realize the importance of the military. I have made some mistakes but I feel I deserve to at least be able to use my MGI Bill for school. That was the main reason I joined the military. Second, I wanted to belong to a tight family. I wanted to stand for something. I also needed discipline. Please give me a chance to succeed. Help me pay for school. Grant me a Honorable Discharge.

**ATCH**

None.

16Jan03/cr



DEPARTMENT OF THE AIR FORCE  
20<sup>TH</sup> FIGHTER WING (ACC)  
SHAW AIR FORCE BASE, SOUTH CAROLINA

FD2002-0430

7 Sep 99

MEMORANDUM FOR AMN [REDACTED]

FROM: 77 FS/CC

750 Fighting Falcon Street  
Shaw AFB SC 29152-5045

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct -- conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as either honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 24 Apr 98, you failed to follow office policies in that you took a 1 hour and 45 minute lunch break prior to an appointment. For this misconduct, you received a letter of counseling (LOC), dated 24 Apr 98.

b. On or about 28 Jul 98, you failed to obey a direct order given to you by a senior noncommissioned officer. In addition, on or about 31 Jul 98, you failed to go at the time prescribed to your appointed place of duty, Bldg 228, Red Maintenance Building. For these acts of misconduct, you received a letter of reprimand (LOR), dated 14 Aug 98. You also were placed on the control roster and an unfavorable information file was established on 14 Aug 98.

c. On or about 28 Oct 98, you were 30 days delinquent on your Enlisted Club Card account in the amount of \$409.00. For this misconduct, you received a LOC, dated 28 Oct 98.

d. On or about 18 Feb 99, you failed to obey a direct order given to you by a commissioned officer. For this misconduct, you received a LOR, dated 2 Mar 99.

e. On or about 15 Jul 99, you failed to follow proper leave procedures. For this misconduct, you received a LOC, dated 16 Jul 99.

f. On or about 29 Jul 99, you made and uttered a worthless check to Kinney and Company Café, and did thereafter dishonorably fail to maintain sufficient funds in the bank for the payment of said check in full upon presentment for payment. For this misconduct, you received a LOR, dated 18 Aug 99.

*Global Power For America*

g. You did, at or near Shaw Air Force Base, South Carolina, an area of exclusive or concurrent jurisdiction, on or about 6 Aug 99, unlawfully drive a motor vehicle while your license was suspended, in violation of South Carolina Code Annotated Section 56-1-460, as made applicable to military pursuant to the Federal Assimilative Crimes Act, Title 18, United States Code, Section 13. In addition, you did, on or about 6 Aug 99, with intent to deceive, make to Security Forces Personnel, an official statement, to wit: that you did not have your DD Form 2, AF Military Identification Card, in your possession, which statement was totally false and was then known by you to be so false. For these acts of misconduct, you received an Article 15 nonjudicial punishment, dated 19 Aug 99. Punishment consisted of reduction to the grade of airman, 45 days restriction to Shaw AFB, SC, and 45 days extra duty.

h. On or about 23 Aug 99, you were derelict in the performance of your duties, in that you failed to complete the urinalysis tasking. For this misconduct, you received a LOR, dated 24 Aug 99.

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 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] Area Defense Counsel, 895-9530, on 8 Sep 99 at 1600 hours. 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 within three duty days after receipt of this notification memorandum, 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 must report, in uniform, to the Shaw AFB Hospital, Physical Examinations Section, on 7 Sep 99 at 1300 hours, for a medical 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.

9. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies which you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge, unless the reason is homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.

10. Execute the attached acknowledgment and return it to me immediately.



Commander

**Attachments:**

1. LOC, 24 Apr 98
2. LOR, 14 Aug 98
3. AF 1058, 14 Aug 98
4. LOC, 28 Oct 98
5. LOR, 2 Mar 99
6. LOC, 16 Jul 99
7. LOR, 18 Aug 99
8. AF Form 3070, 19 Aug 99
9. LOR, 24 Aug 99
10. Airman's Acknowledgment of Receipt