

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 150px; height: 15px; margin-top: 5px;"></div>		GRADE AMN	AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px; margin-top: 5px;"></div>					
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW					
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 style="text-align: center;">X</td> </tr> </table>		YES	NO		X	ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	NO							
	X							
MEMBERS SITTING			VOTE OF THE BOARD					
			HON	GEN	UOTHC	OTHER	DENY	
							X	
							X	
							X	
							X	
							X	
ISSUES A94.05		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD				
HEARING DATE 22 MAY 03		CASE NUMBER FD2002-0465		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			
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: 22 MAY 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

FD02-0465

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 does not contest her discharge. She states that she was easily led in the wrong direction, had never been away from home, and led a very sheltered life. The record indicates the applicant received two Article 15s for failure to go and for larceny. In addition, she received four Letters of Reprimand for financial irresponsibility, being late for duty, and receiving a traffic ticket for failure to provide proof of vehicle insurance. She also received five Records of Individual Counseling for financial irresponsibility and being late for duty on numerous occasions. 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

[REDACTED]
[REDACTED] (Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 22 Dec 95 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 6 Dec 72. Enlmt Age: 20 8/12. Disch Age: 23 0/12. Educ: HS DIPL. AFQT: N/A. A-35, E-69, G-86, M-56. PAFSC: 6C031 - Contracting Apprentice. DAS: 17 Dec 93.

b. Prior Sv: (1) AFRes 13 Aug 93 - 4 Oct 93 (1 month 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 5 Oct 93 for 4 yrs. Svd: 2 Yrs 2 Mo 18 Das, all AMS.

b. Grade Status: AMN - 22 Nov 95 (Article 15, 22 Nov 95)
A1C - 5 Feb 95
AMN - (EPR Indicates): 5 Oct 93 - 4 Jun 95

c. Time Lost: None.

d. Art 15's: (1) 22 Nov 95, Lackland AFB, TX - Article 121. You did, sometime between 28 Aug 95 and 11 Oct 95, steal a grey T-shirt with a plaid "A" on the front and one pair of --- blue jeans, of a value of less than \$100.00, the property of Amn ----- Reduction to Amn.
(No appeal) (No mitigation)

(2) 17 Mar 95, Lackland AFB, TX - Article 86. You did, on or about 3 Mar 95, without authority, fail to go at the time prescribed to your appointed place of duty. Thirty days correctional custody (in excess of 22 days remitted), suspended reduction to Amn, and forfeiture of \$200.00 pay. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 15 NOV 95 - Financial irresponsibility.
LOR, 08 NOV 95 - Traffic ticket for failure to provide proof of vehicle insurance.
ECI FM 9, 05 SEP 95 - CDC course failure.
RIC, 14 AUG 95 - Financial irresponsibility.
RIC, 24 MAY 95 - Late for duty.
LOR, 09 MAY 95 - Financial irresponsibility.
RIC, 20 APR 95 - Financial irresponsibility.
LOR, 01 FEB 95 - Late for duty.

RIC, 20 JAN 95 - Late for duty.
RIC, 24 MAY 94 - Late for duty.

f. CM: None.

g. Record of SV: 5 Oct 93 - 4 Jun 95 Lackland AFB 3 (Initial)

(Discharged from Lackland AFB)

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

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (10) Das
TAMS: (2) Yrs (2) Mos (18) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 21 Oct 02.
(Change Discharge to Honorable)

Issue 1: I respectfully request my discharge be upgraded from General under Honorable conditions to an Honorable discharge. Unfortunately, I was in the service during a time in my life where I was easily led in the wrong directions. I had never been away from home, and led a very sheltered life prior to joining. I regret I was not able to dedicate myself fully to the Air Force. I regret I was not a stronger person at that point. I hope this will be taken into consideration. I am trying to return to school to obtain a nursing degree, I am employed and I have two small children. I am hoping to qualify for the Hazelwood Act in Texas. In order to do that, I must have an honorable discharge. With the downfall of -----, the Houston job market is flooded with unemployed persons in my field. I need to be able to educate myself in a different career field.

Thank you for taking the time to review my request, and I do hope that you will consider that nearly seven years have passed since I was discharged. I have sincerely learned from my mistakes, and hope that will also be considered. Thank you.

ATCH
None.

3FEB03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

12 DEC 1995

MEMORANDUM FOR [REDACTED]

FROM: 37 CONS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your discharge will be described as an under honorable conditions (general) discharge and you will be ineligible for reenlistment in the Air Force.

2. My reasons for this action are:

a. You have been counseled in the past to ensure you report for duty on time, but on 23 May 95, a message was received which stated that you would be late to work due to a migraine headache. You should have gone to the dispensary, located at 6612, but you did not, and for this you received an AF Form 174 dated 24 May 95.

b. On 20 Jan 95, you were counseled for being late for work on the 19 and 20th of Jan 1995, for which you received a AF Form 174.

c. On 31 Jan 95, you failed to report to your appointed place of duty at the appointed time. You also did not inform your supervisor that you would be late. This violated Article 86 of the Uniform Code of Military Justice (UCMJ), "Failure to Go", for which you received a Letter of Reprimand (LOR), dated 1 Feb 95.

d. You did, at or near Lackland Air Force Base, Texas, On or About 3 Mar 95, without authority, fail to report to your appointed place of duty at the appointed time for which you received an Article 15 dated 17 Mar 95, with 30 days correctional custody.

e. On 20 Apr 95, you were counseled on a bad check which you had written to your insurance company in the amount of \$144.00 for which you received a AF Form 174 dated 20 Apr 95.

f. On 3 May 95, you displayed financial irresponsibility by failure to pay your Deferred Payment Plan obligations on time. You received three notices about your account which were dated 22 Mar 95, 22 Apr 95, and 3 May 95, and you made no arrangements. For this you received a LOR dated 9 May 95.

g. On 14 Aug 95, you were counseled on your financial irresponsibility and failure to pay your DPP/UCDPP with an overdue balance of \$135.00, for which you received an AF Form 174 dated 14 Aug 95.

h. On 6 Nov 95, you received an ECI Form 9 that indicated your failure of course examination for CDC 65150 with a score of 48%.

i. On 21 Sep 95, you received a traffic ticket for failure to provide proof of insurance for your vehicle. Your failure to maintain insurance constitutes "Neglect that is prejudicial to good order and discipline" which is a direct violation of Article 134 of the UCMJ. For this you received an LOR dated 8 Nov 95.

j. On 15 Nov 95, you demonstrated your financial irresponsibility by your failure to pay Personal Credit Plan, Inc. in the sum of \$269.94 which came payable on 4 Sep 95. From 4 Sep 95 - 6 Nov 95, you dishonorably failed to pay said debt. This violated Article 134 of the UCMJ, for which you received an LOR dated 15 Nov 95.

k. You did, at or near Lackland Air Force Base, Texas, on or about 28 Aug 95 - 11 Oct 95, steal a grey T-shirt with a plaid "A" on the front and one pair of Levi blue jeans, of a value of less than \$100.00, for which you received an Article 15 dated 21 Nov 95, with a reduction to the grade of Airmen (E-2) with a new date of rank of 22 Nov 95.

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.

3. 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 the Area Defense Counsel (ADC) at Bldg 7024 2nd floor on 15 Dec 95 at 0930 hrs. 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 (allow 3 workdays) 15 Dec 95 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. 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 RAPIDS Discharge Office.
7. Execute the attached acknowledgment and return it to me immediately.

 , USAF
Commander

Attachments:

1. AF Form 174 dated 24 May 94
2. AF Form 174 dated 20 Jan 95
3. Letter of Reprimand dated 1 Feb 95
4. Article 15 dated 17 Mar 95
5. AF Form 174 dated 20 Apr 95
6. Letter of Reprimand dated 9 May 95
7. AF Form 174 dated 14 Aug 95
8. Notification of CDC Failure dated 14 Aug 95
9. Letter of Reprimand dated 8 Nov 95
10. Letter of Reprimand dated 15 Nov 95
11. Article 15 dated 21 Nov 95
12. Receipt of Notification Memorandum