

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN		
[REDACTED]		AB	[REDACTED]		
TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL			
NAME OF COUNSEL AND OR ORGANIZATION					
YES	NO				
	X				
MEMBERS SITTING		VOTE OF THE BOARD			
		HON	GEN	UOTHC	OTHER
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES		EXHIBITS SUBMITTED TO THE BOARD			
A94.53, A92.37, A67.09					
INDEX NUMBER					
A67.90		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		APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.			
03-03-07					
CASE NUMBER					
FD2002-0466					
REMARKS					
Case heard at Washington, D.C.					
Advise applicant of the decision of the Board and 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			
[REDACTED]		[REDACTED]			
INDORSEMENT		DATE: 03-03-07			
TO:		FROM:			
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		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

FD2002-0466

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

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

FINDINGS: Upgrade of discharge is denied.

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

Issues. Applicant was discharged for misconduct, conduct prejudicial to good order and discipline. She had four Letters of Reprimand (LOR), a Record of Individual Counseling, two Articles 15, and an Unfavorable Information File. Her misconduct included three instances of failure to go, failure to obey a lawful order of a superior noncommissioned officer, disrespect to her supervisor, failure to obtain authority for off-duty employment, failure to pay her delinquent government travel card debt, failure to follow a technical order, and making a false official statement. These occurred over a 9-month period of time. The Board noted that when her misconduct occurred, member was the same age as other airmen who had adhered to the standards, and in spite of the unit's efforts to help member correct her deficiencies, she was not motivated enough to conform to standards and her misconduct continued. At the time of the discharge, applicant waived her right to submit statements on her own behalf, after consulting counsel. She was counseled by her unit several times in an effort to help her correct her deficiencies and had many opportunities to improve her behavior. She failed to respond to those rehabilitative efforts, so she was held accountable for her actions. No inequity or impropriety was found in this discharge in the course of the records review.

Applicant cited her desire to receive his G.I. Bill education benefits as justification for an upgrade. While the Board was sympathetic to the impact of the loss of these benefits on applicant, this is not a matter of equity or propriety that warrants an upgrade.

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

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 1 Mar 02 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Apr 79. Enlmt Age: 20 2/12. Disch Age: 22 10/12. Educ: HS DIPL. AFQT: N/A. A-87, E-56, G-52, M-47. PAFSC: 2W131F - F-16 Aircraft Armament Systems Apprentice. DAS: 11 Feb 01.

b. Prior Sv: (1) AFRes 16 Jul 99 - 21 Sep 99 (2 months 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 22 Sep 99 for 4 yrs. Svd: 2 Yrs 5 Mo 8 Das, all AMS.

b. Grade Status: AB - 31 Jan 02 (Article 15, 31 Jan 02)
 AMN - 29 Nov 01 (Article 15, 29 Nov 01)
 A1C - 22 Jul 00

c. Time Lost: None.

d. Art 15's: (1) 31 Jan 02, Luke AFB, AZ - Article 86. You did, on divers occasions between on or about 11 Sep 01 and on or about 2 Jan 03, without authority, fail to go at the time prescribed to your appointed place of duty. Article 107. You did, on or about 11 Jan 02, with intent to deceive, make to TSgt -----, an official statement, to wit: I was a passenger on a motorcycle, or words to that effect, which statement was totally false, and was then known by you to be so false. Reduction to AB, and 45 days restriction. (No appeal) (No mitigation)

(2) 29 Nov 01, Luke AFB, AZ - Article 86. You did, on or about 8 Nov 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 13 AUG 01 - Failure to obey an order or regulation and financial irresponsibility.
 LOR, 08 AUG 01 - Failure to return to duty after lunch.
 LOR, 31 JUL 01 - Failure to obey a lawful general regulation by obtaining part-time employment without the approval of the

commander.

LOR, 20 JUN 01 - Failure to perform duties and disrespect to supervisor.

RIC, 15 MAY 01 - Refusing to be trained.

f. CM: None.

g. Record of SV: 22 Sep 99 - 15 Jun 01 Luke AFB 4 (Initial)

(Discharged from Luke AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (7) Mos (14) Das
TAMS: (2) Yrs (5) Mos (8) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Oct 02.
(Change Discharge to Honorable)

Issue 1: I am writing this letter to request my discharge be upgraded to honorable. I realize I was discharged for my own actions and that I cannot change or take back those actions. I am requesting the upgrade for the purpose of being able to use my G.I. Bill. As you are probably already aware of, it is extremely difficult to succeed in the same degree I had hoped without an education. When I was discharged from the United States Air Force, my career took a turn I was not ready for. I had completed some of my college education prior to joining the Air Force and I had hoped that joining the military would help me figure out what I wanted to get my degree in. I have found through my experience in the Armed Forces as well as through my family and friends that I would make an excellent teacher. Now that I know what I want to do, I would hope that my past mistakes I made growing up would not hinder my future.

The military has taught me so many things. Now that I have a chance to pass on my experiences as well as lessons to others who are growing and learning, it is something I would love to do. Even though I was discharged from the military, I still have many more positive memories than I could ever remember versus the negative ones that got me into trouble. I have enclosed letters of character from an old supervisor as well as a co-worker, both I have known since I was stationed at Luke AFB. Please take my request into consideration and understand if I could change those moments that I failed as an Airman, I would. Thank you for you (sic) time in this matter and if you need to contact me for any reasons please call me.

ATCH

1. Two Character References.

4FEB03/ia



DEPARTMENT OF THE AIR FORCE
56th Equipment Maintenance Squadron (AETC)
Luke Air Force Base, Arizona

FD2002-0468

DATE: 11 Feb 02

MEMORANDUM FOR [REDACTED]

FROM: 56 EMS/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, general, or under other than honorable conditions. I am recommending your service be characterized as general.
2. My reasons for this action are:
 - a. On 14 May 01, you failed to follow orders from a superior noncommissioned officer. A Record of Individual Counseling, dated 15 May 01, evidences your misconduct.
 - b. On 19 Jun 01, you were disrespectful to your supervisor. A Letter of Reprimand, dated 20 Jun 01, evidences your misconduct.
 - c. Between 15 Jul 01 and 31 Jul 01, failed to obey a lawful general regulation. A Letter of Reprimand, dated 31 Jul 01, evidences your misconduct.
 - d. On 8 Aug 01, you failed to go to your appointed place of duty at the time prescribed. A Letter of Reprimand, dated 8 Aug 01, evidences your misconduct.
 - e. On 3 Aug 01, you failed to make payment to your government travel card. A Letter of Reprimand, dated 13 Aug 01, evidences your misconduct. An Unfavorable Information File (UIF) was established.
 - f. On 8 Nov 01, you failed to go to your appointed place of duty at the time prescribed. An Article 15, dated 29 Nov 01, evidences your misconduct. Your punishment included reduction to E-2, and 14 days extra duty. The Article 15 was filed in your existing UIF.
 - g. On 11 Sep 01, you failed to go to your appointed place of duty at the time prescribed. On 11 Jan 02, you made a false official statement to a noncommissioned officer. An Article 15, dated 31 Jan 02, evidences your misconduct. Your punishment included reduction to E-1 and restriction to Luke Air Force Base for 45 days.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation will be provided to you. The commander exercising special court martial 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 United States Air Force and will likely be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

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 the Area Defense Counsel, at Building 1150, Suite 3015, Luke Air Force Base, Arizona, extension 6701, on 12 Feb 02 at 0900 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 14 Feb 02 unless you request and receive, in writing, an extension for good cause shown. I will forward any statements you submit to the separation authority as part of this package.

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

7. You must retrieve your medical records from 56th Medical Group Hospital Outpatient Records Section and report to Physical Examinations Section, building 810, with your medical records and a copy of this discharge package for medical review and/or examination.

8. The Privacy Act of 1974 covers all personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the Orderly Room.

