

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A92.37, A94.53, A93.19	INDEX NUMBER A67.90	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	

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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 12 JUN 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

FD2002-0509

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for conduct prejudicial to good order and discipline. She had an Article 15, a vacation of suspended punishment, a Letter of Reprimand, and a Record of Individual Counseling. Her misconduct included failure to go, sleeping on duty, theft, and drunk driving. At the time of the discharge, member consulted counsel and waived her right to submit a statement in her own behalf. The Board noted member was given several opportunities to correct her behavior but was either unwilling or unable to do so. Member was age 21 to 22 when her misconduct happened, the same age as other airmen who honorably complete their service without misconduct. There was no evidence she was immature, or didn't know right from wrong. The Board determined member was responsible for her actions and was held accountable for them because her misconduct was disruptive to the unit. The Board did not find sufficient mitigation to warrant an upgrade, and no inequity or impropriety was found in this discharge in the course of the records review.

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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 13 Oct 00 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Apr 78. Enlmt Age: 19 8/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-85, E-68, G-55, M-23. PAFSC: 2E031 - Ground Radar Systems Apprentice. DAS: 13 Mar 99.

b. Prior Sv: (1) AFRes 19 Dec 97 - 26 May 98 (5 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 May 98 for 6 yrs. Svd: 2 Yrs 4 Mos 17 Das, all AMS.

b. Grade Status: AMN - 11 Sep 00 (Article 15, Vacation, 27 Sep 00)
A1C - (EPR Indicates): 27 May 98-15 Jan 00)

c. Time Lost: None.

d. Art 15's: (1) 27 Sep 00, Vacation, Columbus AFB, MS - Article 111. You did, on or about 24 Sep 00, at the East Gate, physically control a vehicle, to wit: a passenger car, while the blood concentration in your breath was .10 grams of alcohol per 210 liters of breath or greater, as shown by chemical analysis. Reduction to Amn. (No appeal) (No mitigation)

(2) 11 Sep 00, Columbus AFB, MS - Article 121. You did, on or about 25 Aug 00, steal merchandise, of a value of about \$21.00, the property of ----- . Suspended reduction to Amn. (No appeal) (No mitigation)

e. Additional: LOR, 16 AUG 99 - Sleeping on duty.
RIC, 27 JUL 99 - Failure to report to work on time, failure to adhere to customs and courtesies, and failure to adhere to established procedures.

f. CM: None.

g. Record of SV: 27 May 98 - 15 Jan 00 Columbus AFB 4 (HAF Dir)
16 Jan 00 - 31 Aug 00 Columbus AFB 3 (CRO)

(Discharged from Columbus AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (25) Das
TAMS: (2) Yrs (4) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Nov 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

24FEB03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD2002-0509

4 OCT 2000

MEMORANDUM FOR AMN: [REDACTED]

FROM: 14 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Pattern of Misconduct. The authority for this action is AFPD 36-32, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airmen*, Section H, Paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 27 Jul 99, while temporarily assigned to the Security Forces Squadron, you received a letter of counseling, AF Form 174 (See Atch 1), from your supervisor SrA [REDACTED] for failing to report to work on time, for failure to adhere to customs and courtesies, and failure to adhere to established procedures.

b. On 16 Aug 99, again while temporarily assigned to the Security Force Squadron, you were observed sleeping at the East Gate. For this, the Operations Superintendent of Security Forces gave you an LOR, (See Atch 2).

c. On 25 Aug 00, you were caught stealing merchandise out of the Columbus Air Force Base Main Exchange. For this, I imposed against you nonjudicial punishment under Article 15, of the UCMJ. Your punishment consisted of a suspended reduction to airman (See Atch 3).

d. On 24 Sep 00, you were caught operating a passenger vehicle while intoxicated. The blood concentration in your breath was .191, well over the legal limit of .10. For this, I vacated the suspended portion of your punishment, which consisted of a reduction in grade to airman (See Atch 4 & 5).

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 discharge will be characterized. 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 consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [REDACTED] by telephone on 4 Oct 00 at 1400. The telephone number for the Defense Counsel at Keesler AFB is DSN 597 [REDACTED] or (228) 377- [REDACTED]. 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 by COB 10 Oct 00 (three workdays from your 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 have been scheduled for a medical examination. You must report to the Columbus AFB Clinic, Physical Exam Section at 1230 on 5 Oct 00 for the examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act. A copy of AFI 36-3208 is available for your use in your unit orderly room.

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

[REDACTED]
Maj, USAF
Commander, 14 CS

6 Attachments:

1. AF Form 174, 27 Jul 99
2. LOR, 16 Aug 99
3. AF Form 3070, 11 Sep 00
4. AF Form 366, 27 Sep 00
5. Intoxilyzer Results, 24 Sep 00
6. Airman's Receipt of Notification Memorandum