

## 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>GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">COUNSEL</td> </tr> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;"><b>X</b></td> </tr> </table>	COUNSEL		YES	NO		<b>X</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
COUNSEL								
YES	NO							
	<b>X</b>							

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>

ISSUES <b>A92.37, A94.53, A72.01</b>	INDEX NUMBER <b>A67.50</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%; padding: 2px; text-align: center;"><b>1</b></td> <td style="padding: 2px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 2px; text-align: center;"><b>2</b></td> <td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 2px; text-align: center;"><b>3</b></td> <td style="padding: 2px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px; text-align: center;"><b>4</b></td> <td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></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>12 JUN 03</b>	CASE NUMBER <b>FD2002-0524</b>																	

APPLICANT'S ISSUE AND THE BOARD'S DECISION AND RATIONALE ARE DISCLOSED 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 <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT	DATE: <b>12 JUN 03</b>
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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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0524

**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 a pattern of misconduct. Pursuant to her guilty pleas, member was convicted at Special Court Martial for conspiring with a civilian to commit larceny of about \$2200.00 from various retail stores, ten specifications of stealing money from various stores, three specifications of stealing merchandize from various stores, and making a false official statement. She was sentenced to a reduction of two pay grades, forfeitures, and 30 days restriction. At the time of the administrative discharge processing, applicant consulted counsel but waived her right to submit a statement in her own behalf. The records also disclosed member had been diagnosed with an adjustment disorder with depressed mood and a borderline personality disorder. The Board noted member repeatedly committed very serious acts of misconduct that had a tendency to bring discredit to the armed forces in the eyes of the surrounding civilian community and for which she could have received a punitive discharge. Member was over age 20 when her offenses occurred, essentially the same age as other airmen who complete their terms of service honorably with no such record of criminal behavior. There was no evidence she did not know right from wrong, so she was responsible for her actions and properly held accountable for them. 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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 14 Mar 02 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 4 Jul 80. Enlmt Age: 17 3/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-87, E-62, G-59, M-22. PAFSC: 4T031 - Medical Lab Apprentice. DAS: 10 Jan 00.

b. Prior Sv: (1) AFRes 27 Oct 97 - 8 Sep 98 (10 Mos 13 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 9 Sep 98 for 6 yrs. Svd: 3 Yrs 6 Mos 6 Das, all AMS.

b. Grade Status: AMN - 25 Oct 01 (SPCM #1, 28 Nov 01)  
SRA - 09 Jan 01

c. Time Lost: None

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial Order No. 1, 28 November 2001.

CHARGE 1: Article 81. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near San Antonio, TX, on or about Dec 00, conspire with ----- to commit an offense under the UCMJ, to wit: larceny of money, of a value of about \$2,200, the property of various retail stores in San Antonio, TX, including -----, and -----, and in order to effect the object of the conspiracy stopped payment on credit union drafts tendered as payment for merchandise at said various retail stores in San Antonio, TX.

CHARGE II: Article 121. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near San Antonio, TX, between on or about 13 Dec 00 and on or about 15 Dec 00, steal money, of a value of \$204.74, the property of -----.

Specification 2: Did, at or near San Antonio, TX, between on or about 13 Dec 00 and on or about 15 Dec 00, steal money, of a value

of \$213.59, the property of -----.

Specification 3: Did, at or near San Antonio, TX, between on or about 13 Dec 00 and on or about 15 Dec 00, steal money, of a value of \$215.64, the property of -----.

Specification 4: Did, at or near San Antonio, TX, between on or about 13 Dec 00 and on or about 15 Dec 00, steal money, of a value of \$204.93, the property of -----.

Specification 5: Did, at or near San Antonio, TX, between on or about 13 Dec 00 and on or about 15 Dec 00, steal money and merchandise, of a value of \$68.06, the property of -----.

Specification 6: Did, at or near San Antonio, TX, between on or about 13 Dec 00 and on or about 15 Dec 00, steal money and merchandise, of a value of \$134.14, the property of -----.

Specification 7: Did, at or near San Antonio, TX, between on or about 13 Dec 00 and on or about 15 Dec 00, steal merchandise, of a value of \$83.18, the property of -----.

Specification 8: Did, at or near San Antonio, TX, between on or about 13 Dec 00 and on or about 15 Dec 00, steal money, of a value of \$204.70, the property of -----.

Specification 9: Did, at or near San Antonio, TX, between on or about 14 Dec 00 and on or about 15 Dec 00, steal money, of a value of \$136.82, the property of -----.

Specification 10: Did, at or near San Antonio, TX, between on or about 14 Dec 00 and on or about 15 Dec 00, steal money, of a value of \$215.62, the property of -----.

Specification 11: Did, at or near San Antonio, TX, between on or about 14 Dec 00 and on or about 15 Dec 00, steal merchandise, of a value of \$81.68, the property of -----.

Specification 12: Did, at or near San Antonio, TX, between on or about 14 Dec 00 and on or about 15 Dec 00, steal merchandise, of a value of \$86.29, the property of -----.

Specification 13: Did, at or near San Antonio, TX, between on or about 14 Dec 00 and on or about 15 Dec 00, steal merchandise, of a value of \$296.63, the property of -----.

CHARGE III: Article 107. Plea: Guilty. Finding: Guilty.

Specification: Did, at Lackland AFB, TX, on or about 2 Jan 01, with intent to deceive, make to A1C -----, 37<sup>th</sup> SPS, an

official statement, to wit: "I noticed my wallet was missing on 11 Dec 00." or words to that effect, which statement was totally false, and was then known to be so false. Sentence adjudged by officer members on 11 Oct 01: Reduction to AMN, forfeiture of \$779.00 per month for 2 months, and 30 days restriction.

- g. Record of SV: 9 Sep 98 - 15 Apr 00 Lackland AFB 5 (Dir by HAF)  
16 Apr 00 - 15 Apr 01 Lackland AFB 3 (Annual)

(Discharged from Lackland AFB)

h. Awards & Decs: AFTR.

- i. Stmt of Sv: TMS: (4) Yrs (4) Mos (16) Das  
TAMS: (3) Yrs (6) Mos (6) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 7 Dec 02.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

**ATCH**

1. Two Letters of Recommendation.

26Feb03/cr



DEPARTMENT OF THE AIR FORCE  
WILLFORD HALL MEDICAL CENTER (AETC)

08 JAN 2002

MEMORANDUM FOR [REDACTED]

FROM: 859 MDTs/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. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General (under Honorable conditions).

2. My reasons for this action are:

a. On or about December 2000, you did, at or near San Antonio Texas, conspire with a civilian ([REDACTED]) to commit an offense under the Uniform Code of Military Justice, to wit: larceny of money, of a value of about \$2,200, the property of various retail stores in San Antonio, Texas. In order to effect the object of the conspiracy, you stopped payment on credit union drafts tendered as payment for the merchandise at said various retail stores in San Antonio, Texas in violation of Article 81 (Conspiracy). For this offense, you were referred to a special court-martial.

b. Between on or about 13 Dec 01 and on or about 15 Dec 01 did commit the following offenses, for which you were referred to a special court-martial.

- (1) Steal money, of a value of \$204.74, the property of Target.
- (2) Steal money, of a value of \$213.59, the property of Home Depot.
- (3) Steal money, of a value of \$215.64, the property of Wal-Mart.
- (4) Steal money, of a value of \$204.93, the property of Target.
- (5) Steal money, of a value of \$68.06, the property of H.E.B.
- (6) Steal money, of a value of \$134.14, the property of Albertson's.
- (7) Steal money, of a value of \$204.70, the property of K-Mart.
- (8) Steal money, of a value of \$136.82, the property of K-Mart.
- (9) Steal money, of a value of \$215.62, the property of Wal-Mart.
- (10) Steal merchandise, of a value of \$81.68, the property of Foot Action.
- (11) Steal money, of a value of \$86.29, the property of Foley's.
- (12) Steal merchandise, of a value of \$296.63, the property of Journey's.

c. On or about 2 January 2001, at Lackland Air Force Base, Texas, you did knowingly make a false official statement, with intent to deceive to [REDACTED] 37 SFS, to wit: "I noticed my wallet was missing on 11 December 2000," or words to that effect in violation of Article 107 (False Official Statements). For this offense, you were referred to a special court-martial.

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 for reenlistment in the Air Force.

4. You have the right to counsel. Military Legal Counsel has been obtained for you. I have made an appointment for you to consult Legal Counsel at Building Number 1000, on 8 JAN 02 at 1330 hours. You may consult civilian counsel at your own expense. If employed, civilian counsel must be readily available.

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** workdays, 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 Building 6612, Rm 502, **Monday through Friday, between 1300 - 1500** with your medical, immunization, and dental records for the 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 at the Clinical Support Orderly Room.

[REDACTED]  
[REDACTED], Col, USAF, BSC  
Commander

Attachments:

1. Report of Investigation, dated 24 Jan 01
2. Report of Result of Trial, dated 11 Oct 01