

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <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>	COUNSEL		YES	NO		X	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
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 A94.53, A92.37	INDEX NUMBER A67.10	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> <tr> <td style="width: 5%;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td>2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td>3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td>4</td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </table>	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
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HEARING DATE 26 JUN 03	CASE NUMBER FD2002-0543																	

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 and 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]
INDORSEMENT	
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

DATE: 26 JUN 03

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0543

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change her reenlistment code.

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 minor disciplinary infractions. She had two AETC Forms 341, Discrepancy Report, two Letters of Reprimand, and an Article 15. Her misconduct included twice failing to remain within the confines of her dormitory room when required to while in phase training, one of those times being off the installation and then lying about it, being late to formations on two occasions, violating a no contact order prohibiting contact with a particular airman, and allowing a student of the opposite sex in her dorm room. At the time of the discharge, member waived her right to consult counsel and submit statements in her own behalf. The Board noted member was the same age as other airmen who had adhered to the standards when her misconduct occurred, and she knew right from wrong. She was counseled in an effort to help her correct her deficiencies and had several opportunities to improve her behavior. She failed to respond to those rehabilitative efforts. She was responsible for her actions, and therefore held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.

Applicant expressed her desire to enlist in the U.S. Navy and continue serving her nation. While the Board commends applicant on this desire, and is sympathetic to the impact a General discharge has on her enlistment opportunities, this is not a matter of equity or propriety that warrants an upgrade.

If she can provide additional documented information to substantiate an issue, the applicant should consider exercising her right to make a personal appearance before the Board. If she should choose to exercise her right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 Aug 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 7 Mar 83. Enlmt Age: 17 6/12. Disch Age: 19 5/12. Educ: HS DIPL. AFQT: N/A. A-35, E-24, G-52, M-49. PAFSC: 1N211 - Signals Intelligence Production Student. DAS: 8 Mar 02.

b. Prior Sv: (1) AFRes 14 Sep 00 - 20 Jun 01 (9 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Jun 01 for 6 yrs. Svd: 1 Yrs 2 Mo 3 Das, all AMS.

b. Grade Status: AB - 15 Jul 02 (Article 15, 15 Jul 02)
A1C - 14 Jul 01

c. Time Lost: None.

d. Art 15's: (1) 15 Jul 02, Corry Station, FL - Article 92. You, having knowledge of a lawful order issued by MSGT -----, to wit: a no contact order to have no type of communication with Airman -----, dated 28 Jun 02, an order which it was your duty to obey, did, on divers occasions, between on or about 3 Jul 02, fail to obey the same by wrongfully continuing to communicate with Airman -----. You, who knew or should have known of your duties, on or about 29 Jun 02, were derelict in the performance of those duties in that you willfully allowed a student of the opposite sex to accompany you in your dorm room and therefore, failed to adhere to the phase program, as it was your duty to do. Reduction to Airman, 30 days restriction (suspended). (No appeal) (No mitigation)

e. Additional: LOR, 04 JUN 02 - Violation of Phase II privileges.
LOR, 13 MAY 02 - Violation of Phase checks and lying.
AETC 341, 29 APR 02 - Late for formation.
AETC 341, 12 APR 02 - Late for formation.

f. CM: None.

g. Record of SV: None.

(Discharged from NTTC Corry Station)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (10) Das

TAMS: (1) Yrs (2) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Dec 02.
(Change Discharge to Honorable and Change the RE Code)

Issue 1: I would like to re-enlist into the US Navy. I have contacted the MEPS and the only thing holding me back is my Re-enlistment code.

Issue 2: I feel I have improved my self as a person through my military training and would like to continue serving the USA.

ATCH

1. Two Training Certificates.
2. Letter of Recommendation.
3. Training Certificate.

6MAR03/ia

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DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

3154202

MEMORANDUM FOR AB [REDACTED], 313 TRS

FROM: 313 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49. 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 or about 12 Apr 02, you were late to a formation. This was documented on an AETC Form 341 on 12 Apr 02.

b. On or about 29 Apr 02, you were late to a morning formation. This was documented on an AETC Form 341 on 29 Apr 02.

c. On or about 05 May 01, you were not in your room during phase checks. Further you stated that you were walking around on base for personal reasons and you were found to be off base during this time. Your comments were known to be untruthful at the time you made them. This was documented on a Letter of Reprimand on 13 May 01.

d. On or about 31 May 02, you were not in your room during Morale, Health and Welfare inspection in violation of your Phase II privileges. This is documented on a Letter of Reprimand on 03 Jun 02.

e. On or about 28 Jun 02, you having knowledge of a lawful order issued by MSgt [REDACTED], to wit: a no contact order to have no type of communication with Amn [REDACTED], an order which it was your duty to obey, did, at or near Corry Station, Pensacola, Florida, on divers occasions, between, on, or about 29 Jun 02 and on or about 03 Jul 02, fail to obey the same by wrongfully continuing to communicate with Amn [REDACTED]. Additionally, on or about 29 Jun 02, you who knew or should have known of your duties, at or near Corry Station, Pensacola, Florida, were derelict in the performance of those duties in that you willfully allowed a student of the opposite sex to accompany you in your dorm room and therefore, failed to adhere to the phase program, as it was your duty to do. For these offenses, you received an AF Form 3070 (Article 15), on 16 Jul 02.

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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 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. You will telephone Good/Fellow AFB Area Defense Counsel at 10:30 AUG AFB, via DSN: 477-5070 for consultation. 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 5 AUG 02 at 11:15 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 Physical Exams Section of the clinic on 2 AUG 02 at 0900 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 in the Unit Orderly Room.



Capt, USAF

Commander

Attachments:

1. AETC Form 341, dated 12 Apr 02
2. AETC Form 341, dated 29 Apr 02
3. Letter or Reprimand, dated 13 May 02
4. Letter or Reprimand, dated 04 Jun 01
5. AF Form 3070 (Article 15), dated 15 Jul 02