

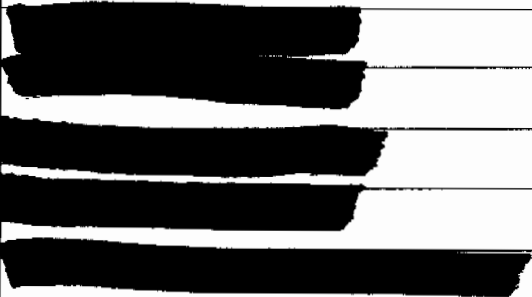




AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE AIC	AFSN/SSAN 			
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO					
	X					
MEMBERS SITTING 		VOTE OF THE BOARD				
		HON	GEN	UO/HC	OTHER	DENY
						X
						X
						X
						X
ISSUES A94.05		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 24 JUN 03		CASE NUMBER FD2003-0057		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 		SIGNATURE OF BOARD PRESIDENT 				
INDORSEMENT			DATE: 24 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

FD03-0057

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 contends that her discharge was too harsh because she didn't have a security clearance and hasn't done her job since she arrived on station. The record indicates the applicant received three Letters of Reprimand for dereliction of duty, failure to obey an order, being disrespectful to an NCO, and Unauthorized use of a government vehicle. In addition, she also received three Records of Individual Counseling for a security violation, being late for work and sending pornographic material by email and inappropriate use of a government computer. The Board opined that these disciplinary infractions had nothing to do with the fact that she did not have a security clearance. The Board concluded the applicant's 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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 16 Apr 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 2 Feb 80. Enlmt Age: 20 1/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-54, E-32, G-37, M-27. PAFSC: 3C131 - Radio Communications Systems Journeyman. DAS: 18 Aug 00.

b. Prior Sv: (1) AFRes 2 Mar 00 - 11 Apr 00 (1 Month 10 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 12 Apr 00 for 4 yrs. Svd: 2 Yrs 0 Mos 5 Das, all AMS.

b. Grade Status: A1C - 12 AUG 01
AMN - 12 OCT 00

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 06 MAR 02 - Dereliction of duty by failing to turn in ID Card.
LOR, 30 AUG 01 - Failure to obey and order.
LOR, 22 AUG 01 - Disrespect to an NCO.
RIC, 15 AUG 01 - Sending pornographic material by e-mail and inappropriate use of a government computer.
RIC, 19 JUL 01 - Late for work.
RIC, 01 JUN 01 - Security violation by mishandling classified material.
LOR, 08 FEB 01 - Unauthorized use of a government vehicle.

f. CM: None.

g. Record of SV: 12 Apr 00 - 11 Dec 01 Beale AFB 2 (Initial) REF

(Discharged from Beale AFB)

h. Awards & Decs: AFTR, CIB.

i. Stmt of Sv: TMS: (2) Yrs (1) Mos (15) Das
TAMS: (2) Yrs (0) Mos (5) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Feb 03.
(Change Discharge to Honorable)

Issues: I feel because I was an airman that didn't have a security clearance, been stationed @ Beale AFB for almost 2 yrs, haven't done my job a day since I've been their (sic). I may not know to (sic) much about the process of discharge - but according to my ADC lawyer their wasn't enough paperwork to discharge me. The ADC lawyer's letter is also enclosed to packet my request is for an upgrade & if possible my MGIB.

ATCH

1. Discharge Case File.
2. DD Form 214.

24Mar03/cr



FD2003-00057

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 9TH RECONNAISSANCE WING (ACC)
BEALE AIR FORCE BASE, CALIFORNIA

25 March 2002

MEMORANDUM FOR [REDACTED]
[REDACTED]

FROM: 9 MSS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as general. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached and will also be provided to your Area Defense Counsel.

2. My reasons for this action are:

a. You were, on or about 21 December 2000, cited for "Inattentive Driving Causing an Accident" while operating the Command Post government vehicle for the purpose of an official errand to the Military Personnel Flight. For this misconduct you received a Letter of Reprimand, dated 8 February 2001 (atch 1).

b. You did, on or about 1 June 2001, obtain the door combinations to a classified open storage area from [REDACTED] then e-mailed these combinations to [REDACTED] over unclassified e-mail. You were trained that combinations to containers and secure areas should be protected to the same level as the material they contain. For this misconduct you received a Record of Individual Counseling dated 1 June 2001 (atch 2).

c. You were, on or about 19 July 2001, late for duty after being briefed by TSgt [REDACTED] that your duty starts at 0730 every day. For this misconduct you received a Record of Individual Counseling, dated 19 July 2001 (atch 3).

d. You did, on or about 6 August 2001, send "Pornographic Material" over a government owned computer. For this misconduct you received a Record of Individual Counseling dated 15 August 2001 (atch 4).

e. You were, on or about 22 August 2001, disrespectful in your language, conduct, and questioning of a direct order given by an NCO appointed over you, when ordered to stay past regularly scheduled duty hours. At no time should an NCO, in the performance of their official duties, be subjected to the attitude and language you displayed towards them. For this misconduct you received a Letter of Reprimand, dated 22 August 2001 (atch 5).

Global Power for America

f. You were, on or about 29 August 2001, instructed to attend the Commander's Airman Breakfast at 0700 on 30 August 2001; you failed to report on time. For this misconduct you received a Letter of Reprimand dated 30 August 2001 (atch 6).

g. You were, on or about 6 March 2002, informed of your impending discharge. You were then issued a temporary ID card. Your first sergeant, MSgt [REDACTED], asked you for your permanent ID card and you gave him a card that was issued 17 August 2000 that you had reported as lost the day before. At no time did you make mention of or offer to turn in the ID card issued 26 February 2002. On 28 February 2002, Major [REDACTED] ordered you to surrender both ID cards within 20 minutes. You returned 10 minutes later with both ID cards. For this misconduct you received a Letter of Reprimand dated 6 March 2002 (atch 7).

3. Copies of the documents to support this recommendation will be given to you at your ADC appointment and will be forwarded to the separation authority. The commander exercising SPCM 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 Air Force.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you with Capt [REDACTED] at the Area Defense Counsel's Office, Building 2179, Room 102, ext 2081, on 26 March 2002, at 1300. 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 29 March 2002, at 1300 hours, 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 Physical Exams on 28 March 2002 at 0800 for the examination. **If you wear contact lenses, please wear your prescribed glasses. If you have a family history of Diabetes you need to fast 14 hours prior to your appointment. Bring a snack for afterwards.**

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 your orderly room or at Separations in the Military Personnel Flight.



Attachments:

1. LOR, 8 Feb 01
2. LOC, 1 Jun 01
3. LOC, 19 Jul 01
4. LOC, 15 Aug 01
5. LOR, 22 Aug 01
6. LOR, 30 Aug 01
7. LOR, 6 Mar 02