

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN
[REDACTED]		AB	[REDACTED]

TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

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

ISSUES A93.01	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
HEARING DATE 27 JUN 03	CASE NUMBER FD2003-0063	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
[REDACTED]	[REDACTED]

INDORSEMENT	DATE: 27 JUN 03
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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

FD03-0063

**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 does not contest her discharge; she states that she was young and immature and now realizes she made a mistake. The record indicates the applicant received two Article 15s, the first for failure to go, breaking a no-contact order and stealing a money order from another airman. The second one was for failure to go (five times), being disrespectful, and for breaking restriction. In addition, she received two Letters of Reprimand for failure to go and failure to obey a lawful order and lying, and she received a Letter of Counseling for failure to go. The applicant contends that she should not be penalized indefinitely for a mistake she made when young. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence she was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. 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

[REDACTED]

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Aug 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 27 Nov 81. Enlmt Age: 18 5/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-65, E-47, G-41, M-28. PAFSC: 3A031 - Information Management Apprentice. DAS: 24 Nov 00.

b. Prior Sv: (1) AFRes 25 May 00 - 6 Jun 00 (13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Jun 00 for 4 yrs. Svd: 1 Yrs 1 Mo 28 Das, all AMS.

b. Grade Status: AB - 6 Jun 01 (Article 15, 6 Jun 01)  
AMN - 7 Dec 00

c. Time Lost: None.

d. Art 15's: (1) 11 Jul 01, Davis-Monthan AFB, AZ - Article 86. You did, on or about 7 Jun 01, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 10 Jun 01, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 21 Jun 01, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 27 Jun 01, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 29 Jun 01, without authority, fail to go at the time prescribed to your appointed place of duty. Article 91. You were, on or about 29 Jun 01, disrespectful in language toward SSgt -----, a noncommissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of his office, by saying to him, "not to be rude but just because you say you will be there doesn't mean I will," and "I have a ride, I do not need your assistance with this crap," or words to that effect. Article 134. You, having been restricted to the limits of Davis-Monthan AFB, AZ, by a person authorized to do so, did, at or near Tucson, Arizona, on or about 29 Jun 01, break said restriction. Forfeiture of \$150.00 pay per month for 2 months, restriction to

Davis-Monthan AFB, AZ, for 45 days, 45 days extra duty, and a reprimand. (Appeal/Withdrawn) (No mitigation)

- (2) 6 Jun 01, Davis-Monthan AFB, AZ - Article 86. You did, on or about 23 May 01, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, having knowledge of a lawful order issued by MSgt -----, to wit: not to have any personal contact with A1C -----, dated 17 Apr 01, an order which it was your duty to obey, did, on or about 15 May 01, fail to obey the same by wrongfully having personal contact with A1C ----- . Article 121. You did, on or about 3 Mar 01 and on or about 4 Mar 01, steal a money order, of a value of about \$200.00, the property of A1C ----- . Reduction to AB, 45 days restriction, and 45 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 08 MAY 01 - Failure to go.  
LOR, 27 APR 01 - Failure to obey a lawful order and lying.  
LOC, 12 MAR 01 - Failure to go.

f. CM: None.

g. Record of SV: None.

(Discharged from Davis-Monthan AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (2) Mos (10) Das  
TAMS: (1) Yrs (1) Mos (28) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Dec 02.

(Change Discharge to Honorable Discharge, and to Change the RE Code, Reason and Authority for)

Issue 1: I, the undersigned served on Active for a period of 1 yr, 1 month, 26 days. In the Air Force. I love the military, however, I must admitt (sic) that I was very young, 18 years of age, in-experience (sic). Now that I have become old, with more experience, I now realize what a mistake I made. I have readapted (sic) to civilian life, which is attested to by attach (sic) exhibit A,B, & C. I would love to return to active duty, and I can assure you that I will make a good service person. Thanking you in advance for your cooperation, for a discharge upgrade to strait (sic) Honorable.

**ATCH**

1. DD Form 214.
2. Three Character References.

26MAR03/ia



DEPARTMENT OF THE AIR FORCE  
612TH AIR INTELLIGENCE SQUADRON (ACC)  
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

JUL 26 2001

MEMORANDUM FOR [REDACTED]

FROM: 612 AIS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending your service be characterized as general.

2. My reasons for this action are:

a. Between on or about 3 Mar 01 and on or about 4 Mar 01, you stole a \$200 money order from another airman. Also, on or about 15 May 01, you failed to obey a lawful order not to have contact with [REDACTED]. Also, on or about 23 May 01, you failed to go at the time prescribed to your appointed place of duty. As a result, you received punishment under Article 15 of the UCMJ and an Unfavorable Information File (UIF) was established (Tab A).

b. On or about 8 Mar 01, you failed to go at the time prescribed to your appointed place of duty. As a result, you received a Letter of Counseling (LOC) (Tab B).

c. On or about 17 Apr 01, you failed to obey a lawful order not to have contact with [REDACTED]. As a result, you received a Letter of Reprimand (LOR) (Tab C).

d. On or about 7 May 01, you failed to go at the time prescribed to your appointed place of duty. As a result, you received an LOR (Tab D).

e. On divers occasions between on or about 7 Jun 01 and on or about 29 Jun 01, you failed to go at the time prescribed to your appointed place of duty. Also, on or about 29 Jun 01, you were disrespectful in language to a noncommissioned officer; and you broke restriction. As a result, you received punishment under Article 15 of the UCMJ (Tab E).

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 will probably be denied enlistment in any component of the armed forces 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, [REDACTED] AFLSA/ADC, 228-5664, has been obtained to assist you. An appointment has been scheduled for you to consult him on N/A at \_\_\_\_\_ hours in Bldg 3510. 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 \_\_\_\_\_ 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 Office of the Aeromedical Facility, Bldg 400, Rm 163, at 1215, on 27 Jul 01 for the examination.
8. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, Bldg 3200, Rm 20, at 1000 on 27 Jul 01 for the briefing. If you have questions, please call 228-5366.
9. 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 Area Defense Counsel's office, Bldg 3510.
10. Execute the attached acknowledgment and return it to me immediately.

FOR THE COMMANDER

[REDACTED]

Capt, USAF

Section Commander

**Attachments:**

**1. Supporting Documents**

- a. AF Form 3070, Record of Nonjudicial Punishment, 6 Jun 01 (3 pages) w/Evidence and MFRs (24 pages); AF Form 1137, UIF Summary
- b. LOC, 12 Mar 01
- c. LOR, 27 Apr 01 (2 pages)
- d. LOR, 8 May 01 (2 pages) w/Evidence and MFR (2 pages)
- e. AF Form 3070, 11 Jul 01 (4 pages) w/Evidence and Response (22 pages)

**2. Airman's Receipt of Notification Memorandum**