

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>		GRADE AB	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>			
TYPE	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
						X
						X
						X
						X
ISSUES A93.09		INDEX NUMBER A67.10				
HEARING DATE 11 JUL 03		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 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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.						
SIGNATURE OF RECORDER <div style="background-color: black; width: 100%; height: 1.2em;"></div>		SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 1.2em;"></div>				
INDORSEMENT		DATE: 11 JUL 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

FD03-0070

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change the Reason and Authority for discharge, and to change the RE Code.

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 would like an Honorable discharge so that she can get the MGIB and reenlist in the Air national Guard. The record indicates the applicant received an Article 15 for willfully disobeying an order, wearing a tongue piercing while on base, and making a false official statement. She also received a Vacation action under the UCMJ for failure to go. In addition, she received three Letters of Reprimand and four letters of counseling for insubordinate conduct towards an NCO, lack of military bearing, missing training appointments, COMSEC violation, failure to obey, and failure to show. Additionally, she received seven traffic tickets. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade. If the applicant 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 this 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. The Board concluded the 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 A1C)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 27 Apr 01. UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 16 Aug 78. Enlmt Age: 18 10/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-60, E-29, G-36, M-23. PAFSC: 3C151 - Radio Communications Systems Journeyman. DAS: 8 Sep 99.

b. Prior Sv: (1) AFRes 27 Jun 97 - 27 Jan 98 (7 months 1 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Jan 98 for 4 yrs. Svd: 3 Yrs 3 Mo 0 Das, all AMS.

b. Grade Status: AB - 15 Mar 01 (Vacation of Article 15, 27 Mar 01)
AMN - 15 Mar 01 (Article 15, 15 Mar 01)
A1C - 28 May 99
AMN - Unknown.

c. Time Lost: None.

d. Art 15's: (1) 27 Mar 01, Vacation, Ramstein AB, Germany - Article 86. You did, on or about 20 Mar 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB. (No appeal) (No mitigation)

(2) 15 Mar 01, Ramstein AB, Germany - Article 91. You, having received a lawful order from SMSgt -----, a noncommissioned officer, then known by you to be a noncommissioned officer to call your supervisor, an order which it was your duty to obey, did, on or about 5 Mar 01, willfully disobey the same. Article 92. You did, on or about 5 Mar 01, violate a lawful general regulation, to wit: AFI 36-2903, Dress and Personal Appearance of Air Force Personnel, by having jewelry in your tongue piercing while on base. Article 107. You did, on or about 5 Mar 01, with the intent to deceive, make to SMSgt -----, an official statement, to wit: "I don't have a tongue ring in," which statement was totally false, and was then known by you to be so false. Suspended reduction to Amn, 45 days extra duty, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 30 OCT 00 - Insubordinate conduct towards an NCO, and lack of military bearing.
 LOR, 27 SEP 00 - Missing training appointment.
 RIC, 05 OCT 99 - Missed appointment.
 (The following additional infractions were found on AF Form 418, 10 Oct 2000):
 VERBAL COUNSELING, UNDATED - For missed appointment.
 LOC, Undated - For COMSEC violation.
 LOC, Undated - For failure to obey.
 LOR, Undated - Failure to show.
 (The following additional infractions are listed in the attachments to the Notification Memorandum but missing from the file):
 Armed Forces Traffic Ticket, dated 07 Dec 99 - Reason unknown.
 Armed Forces Traffic Ticket, dated 09 Jan 00 - Reason unknown.
 Armed Forces Traffic Ticket, dated 16 Jan 00 - Reason unknown.
 Armed Forces Traffic Ticket, dated 17 Jan 00 - Reason unknown.
 Armed Forces Traffic Ticket, dated 08 Mar 00 - Reason unknown.
 Armed Forces Traffic Ticket, dated 07 Jan 01 - Reason unknown.
 Armed Forces Traffic Ticket, dated 11 Jan 01 - Reason unknown.
- f. CM: None.
- g. Record of SV: 28 Jan 98 - 5 Jan 00 Ramstein AB 4 (Initial)
 (Discharged from Offutt AFB)
- h. Awards & Decs: AFTR, AFOUA, AFOSLTR.
- i. Stmt of Sv: TMS: (3) Yrs (10) Mos (1) Das
 TAMS: (3) Yrs (3) Mos (0) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 9 Dec 02.

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

27MAR03/ia



DEPARTMENT OF THE AIR FORCE
86TH AIRLIFT WING (USAFE)

MEMORANDUM FOR AB [REDACTED] 86 CS

FROM: 86 CS/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 may be characterized as honorable, under honorable conditions (general), or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reason for these actions are:

a. On or about 29 Sep 99, you missed a scheduled appointment with Family Support Center. For this action you received a Record of Individual Counseling on 5 Oct 99 (Atch 1a).

b. On or about 26 Sep 00, you missed a scheduled M-16 training appointment. For this action you received a Letter of Reprimand (LOR) on 27 Sep 00 (Atch 1b).

c. On or about 27 Oct 00, you displayed insubordinate conduct towards a noncommissioned officer and displayed lack of military bearing. You stood with your hands on your hips, shook your hand in the air from side to side, and spoke with an attitude of anger toward TSgt [REDACTED]. For this action you received an LOR on 30 Oct 00 (Atch 1c).

d. On or about 5 March 01, you willfully disobeyed a lawful order to call your supervisor, an order given by SMSgt [REDACTED], a noncommissioned officer, and then known by you to be a noncommissioned officer.

e. On or about 5 Mar 01, you violated a lawful general regulation, to wit: AFI 36-2903, *Dress and Personal Appearance of Air Force Personnel*, by having jewelry in your tongue while on base.

f. On or about 5 Mar 01, with intent to deceive, make an official statement to SMSgt [REDACTED] to wit: "I don't have a tongue ring in", which statement was false and then known by you to be so false.

For the actions in paragraphs 2d - 2f, you received nonjudicial punishment on 15 March 2001. This Article 15 was filed in your UIF (Atch 1d). Punishment imposed consisted reduction to the grade of Airman, with new date of rank of 15 March 2001; reduction to the grade of Airman

Basic suspended until 14 September 2001, after which time it will be remitted without further action, unless sooner vacated; 45 days extra duty; and a reprimand.

g. On or about 20 Mar 01, without authority, you failed to go at the time prescribed to your appointed place of duty, to wit: Building 2107, Rheinland Inn Dining Facility. For this action, the suspended reduction to airman basic in the Article 15 punishment imposed on 15 Mar 01 was vacated (Atch 1e).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction, or a higher authority, will decide whether you will be discharged or retained in the United States 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 United States Air Force, and any special pay, bonus, or education assistance funds you have received may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You have an appointment with the Capt [REDACTED] Area Defense Counsel, Ramstein Air Base, Germany, Bldg 2111, 480-2182/2492 on 3 Apr 01 at _____. You may consult civilian counsel at your own expense. The Area Defense Counsel requests that you stop by their office prior to your appointment to pickup the Administrative Discharge Booklet.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me by (3 duty days) _____ at _____ 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 submit statements in your behalf, your failure will constitute a waiver of your right to do so.

7. You must report in uniform with your medical records and an escort to the Ramstein Air Base Clinic, Physical Exams, Building 2182 on 4 Apr 01 at 0700 for the evaluation. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.

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 orderly room.

[REDACTED] Lt Col, USAF
Commander

Attachments:

1. Supporting Documents:
 - a. Record of Individual Counseling, 5 Oct 99
 - b. Letter of Reprimand, 27 Sep 00
 - c. Letter of Reprimand, 30 Oct 00

- d. AF Form 3070, dated 15 Mar 01
- e. AF Form 366, dated 27 Mar 01
- 2. Non Supporting Documents: Memorandum For Record
 - a. Armed Forces Traffic Ticket, dated 7 Dec 99
 - b. Armed Forces Traffic Ticket, dated 9 Jan 00
 - c. Armed Forces Traffic Ticket, dated 16 Jan 00
 - d. Armed Forces Traffic Ticket, dated 17 Jan 00
 - e. Armed Forces Traffic Ticket, dated 8 Mar 00
 - f. Denial of Air Force Good Conduct Medal, dated 27 Dec 00
 - g. Armed Forces Traffic Ticket, dated 07 Jan 01
 - h. Armed Forces Traffic Ticket, dated 11 Jan 01
- 3. Airman's Receipt of Notification Memorandum