

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE AB	AFSN/SSAN ████████████████
--	--------------------	--------------------------------------

TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
--------------------	----------------------------	------------------------

COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES		
NO		
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
████████████████████					X
████████████████████					X
████████████████████					X
████████████████████					X
████████████████████					X

ISSUES A93.01, A01.47, A94.05	INDEX NUMBER A67.50	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 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 and 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: 17 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

FD2003-00082

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, 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, change of reason and authority, and change of reenlistment code are 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 a pattern of misconduct. She now concedes she made stupid mistakes and attributes her maladaptive behavior to being very young. She had two Records of Individual Counseling, two Letters of Reprimand, and an Article 15. She also had an Unfavorable Information File and an Enlisted Performance Report rated an overall referral "1." Her misconduct included three instances of making a false statement, failure to obey orders in three instances, three incidents of failure to go, dereliction of duty, and 2 days absence without leave. Additionally, member had been arrested by local authorities as an identity theft suspect, and spent 7 days in the county jail. Applicant's medical records disclose she was admitted to the intensive care ward of a local hospital after a suicidal gesture, an overdose of acetaminophen resulting in hepatotoxicity. Furthermore she was diagnosed with an adjustment disorder and "cluster C traits." At the time of the discharge, member consulted counsel and waived her right to submit a statement in her own behalf. The Board noted member had eleven incidents in a 12-month period, thus clearly establishing a pattern of misconduct. The Board further noted that member was the same age as other airmen who had adhered to the standards when her misconduct occurred, and she knew right from wrong. Contrary to applicant's claim that her unit failed to offer rehabilitative measures, the record shows she was counseled numerous times in an effort to help her correct her deficiencies and had multiple opportunities to improve her behavior. She failed to respond to those rehabilitative efforts. No inequity or impropriety was found in this discharge in the course of the records review.

While the Board commends applicant on her desire to return to military service, and is sympathetic to the impact a General discharge has on her reenlistment code, this is not a matter of equity or propriety that warrants an upgrade.

Applicant cited her desire to receive her G.I. Bill education benefits as justification for an upgrade. The Board noted that applicant signed a statement (DD Form 2366, on June 14, 1999) that she understood she must receive an Honorable discharge to receive future educational entitlements. While the Board was sympathetic to the impact of the loss of these benefits on applicant, this is not a matter of equity or propriety that warrants an upgrade.

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 6 Mar 01 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct). Appeals for Honorable Discharge and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 19 Jul 81. Enlmt Age: 17 2/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-63, E-49, G-41, M-36. PAFSC: 3S031 - Personnel Apprentice. DAS: 2 Sep 99.

b. Prior Sv: (1) AFRes 21 Aug 98 - 1 Jun 99 (9 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 2 Jun 99 for 4 yrs. Svd: 1 Yr 9 Months 5 Days, of which AMS is 1 yr 8 months 28 days (excludes 7 days lost time)

b. Grade Status: AB - 16 Feb 01 (Article 15, 16 Feb 01)

c. Time Lost: 13 Jan 01 thru 19 Jan 01 (7 days).

d. Art 15's: (1) 16 Feb 01, Offutt AFB, NE - You did, on or about 19 Jan 01, without authority, absent yourself from your place of duty at which you were required to be. Article 107. You did, on or about 12 Jan 01, with intent to deceive, make to SMSgt ----- an official statement, to wit: "Detective ----- needs to see me at 1200," or words to that effect, which statement was totally false, and was then known by you to be so false. Reduction to AB, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 27 NOV 00 - Making a false official statement.
LOR, 28 JUN 00 - Failure to obey lawful orders and late for work.
RIC, 17 MAY 00 - Dereliction of duty.
RIC, 06 MAR 00 - Late for appointment.

f. CM: None.

g. Record of SV: 2 Jun 99 - 1 Feb 01 Offutt AFB 1 (Initial)REF

(Discharged from Offutt AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (6) Mos (6) Das
TAMS: (1) Yrs (8) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Dec 02.
(Change Discharge to Honorable, Change the RE Code, and Reason and Authority
for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

4APR03/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

X ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

Letter to the Board from myself.

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

- My discharge and reentry code were not warranted because I was told that I needed to be discharged because I had gotten in trouble in the civilian court. I had not been convicted of anything.

- My reentry code doesn't allow me to pursue further military duty. I was only 19 at the time of discharge. I was still very young. I still want to serve my country.

- My squadron never tried other rehabilitative measures with me. I was just automatically discharged.

- I felt that other measures could have been taken instead of discharging me. I never felt that my "military family" wanted to help me.

X I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

X THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

20021214

b. SIGNATURE

[Redacted Signature]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 700 Page Avenue Louis, MO 63132-5200	Naval Council of Personnel Boards Bldg. 36 - Washington Navy Yard 901 M Street, S.E. Washington, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (WPM-60) U.S. Coast Guard Headquarters Washington, DC 20593-0001

To whom it may concern:

In June of 1999 I entered active duty in the United States Air Force. It was suppose to be one of the most greatest experiences in my life but it didn't quite turn out that way. I ended up making alot of stupid decesions, stupid mistakes and getting in with the wrong crowd. I really can't blame anyone else for the stupid things that I've done but I would like to try and correct some of the mistakes of my past. I don't want to give you a long list of excuses but I would like for you to consider giving me a change in my re-enlistment code and my narrative comments for discharge. With all that is going on I would like to be able to serve my country again by going into the Army National Guard. My father is currently enlisted and he has already been deployed. I feel that it is my duty to be able to do the same. I am currently in college and I cannot even get my

Montgomery & Bill which I
contributed to.

It would be greatly appreciated
if the board could grant my
request and allow me another
chance.

Thank You




DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 55TH WING (ACC)
OFFUTT AIR FORCE BASE, NEBRASKA

MEMORANDUM FOR AB [REDACTED]

27 FEB 2001

FROM: 55 MSS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct--Pattern of Misconduct. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 6 March 2000, without authority, you failed to go at the time prescribed to your appointed place of duty. For this incident you received a Record of Individual Counseling dated 6 March 2000. (Atch 1-1)

b. On or about 16 May 2000, you, who knew of your duties, were derelict in the performance of those duties in that you wrongfully failed to contact SrA [REDACTED] for the recall, as it was your duty to do. For this incident you received a Record of Individual Counseling dated 17 May 2000. (Atch 1-2)

c. On or about 20 June 2000, without authority, you failed to go at the time prescribed to your appointed place of duty.

d. On or about 21 June 2000, you, having knowledge of a lawful order to report to work in BDUs, an order which it was your duty to obey, failed to obey the same.

e. On or about 21 June 2000, you, having knowledge of a lawful order to have all the relocation folders built and ready for the mass briefing the next day before leaving work, an order which it was your duty to obey, failed to obey the same.

f. On or about 22 June 2000, you, having knowledge of a lawful order to prepare folders for members scheduled for out-processing the following day, an order which it was your duty to obey, failed to obey the same.

For the incidents listed in paragraphs c, d, e, and f you received a Letter of Reprimand dated 28 June 2000. Additionally, an Unfavorable Information File (UIF) was established. (Atch 1-3)

g. On or about 26 October 2000, you, with intent to deceive, made to SSgt [REDACTED] an official statement, to wit: "Yes, I have paid the bill," or words to that effect, which statement was totally false, and was then known by you to be so false.

e. On or about 27 October 2000, you, with intent to deceive, made to SSgt [redacted] an official statement, to wit: "I paid the bill to a female employee at the Base Exchange," or words to that effect, which statement was totally false, and was then known by you to be so false.

For the incidents listed in paragraphs g and e you received a Letter of Reprimand dated 27 November 2000. Additionally, this LOR was placed in your existing UIF. (Atch 1-4)

f. You did, on or about 19 January 2001, without authority, absent yourself from your place of duty at which you were required to be, to wit: Building 323C, located at Offutt Air Force Base, Nebraska, and did so remain absent until on or about 20 January 2001.

g. You did, at or near Offutt Air Force Base, Nebraska, on or about 12 January 2001, with intent to deceive, make to Senior Master Sergeant [redacted] an official statement, to wit: "Detective [redacted] needs to see me at 1200," or words to that effect, which statement was totally false, and was then known by you to be so false.

For the incidents listed in paragraphs f and g you received Nonjudicial Punishment dated 16 February 2001, consisting of reduction to the grade of Airman Basic with a new date of rank of 16 February 2001 and a reprimand. Additionally, this Nonjudicial Punishment action was placed in your existing UIF. (Atch 1-5)

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 Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably any other branch of the military.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain [redacted] Bldg 323C, RM 302, Phone 4-3939, at 1000 on 28 Feb 01. You may consult civilian counsel at your own expense.


5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 2 MAR 01 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 on 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 55th Medical Group, Physical Exams, Room 115, Building 527 (Fairchild Hall), at 1345 on 28 Feb 01 for the examination. Please pick up your medical records 24 hrs prior to your appointment.

8. You have been scheduled for an initial separation appointment. You must report to the 55th Mission Support Squadron, Separations and Retirements Section, Room 235, Bldg 323C, at 0900 on 28 Feb 01 with your escort.

- 9. You have been scheduled for a pre-separation briefing. You must report to the Family Support Center at 0900 on 1 Mar 01 for the briefing.
- 10. 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.
- 11. Execute the acknowledgment provided and return it to me immediately.


USAF
Commander, 55th Mission Support Squadron

- Attachments:
- Atch 1-1; Record of Individual Counseling dated 6 Mar 00
 - Atch 1-2; Record of Individual Counseling dated 17 May 00
 - Atch 1-3; LOR dated 28 Jun 00
 - Atch 1-4; LOR dated 27 Nov 00
 - Atch 1-5; Art 15 dated 16 Feb 01