

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
[REDACTED]		[REDACTED]	[REDACTED]			
TYPE		X PERSONAL APPEARANCE		RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	NO	[REDACTED]		AMERICAN LEGION		
X						
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD		
A94.05		A67.90		1	ORDER APPOINTING THE BOARD	
				2	APPLICATION FOR REVIEW OF DISCHARGE	
				3	LETTER OF NOTIFICATION	
HEARING DATE		CASE NUMBER		4	BRIEF OF PERSONNEL FILE	
9 OCT 03		FD2003-0094			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 and the right to submit an application to the AFBCMR.						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT			
[REDACTED]			[REDACTED]			
INDORSEMENT					DATE: 9 OCT 03	
TO:			FROM:			
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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

FD-2003-00094

GENERAL: The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and to change the reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB, MD on October 9, 2003.

The following additional exhibits were submitted at the hearing:

Exhibit 5: Bank of America Letter dated 22 Sep 03.

Exhibit 6: Three Customer Service Surveys.

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 is denied.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received a General Discharge due to a Special Court Martial for falsely altering military identification cards. She also received two verbal counseling's for dereliction of duty based on unsatisfactory duty performance and two Letters of Reprimand for dereliction of duty and for failure to return to duty after an appointment. The applicant states that: "I was an individual under the age of 21 in Las Vegas, and I fell prey to the temptations of this city." The applicant involved six other Airman, altered her own ID Card 22 times by using old ID Cards that were turned in. She copied the back and glued it to her ID Card to look like she was over 21 years old. Through the verbal counseling's and Letters of Reprimand, the unit tried repeatedly to provide her with opportunities for rehabilitation. Her repetitive misconduct and the nature of that misconduct showed a blatant disregard for military standards and the law. These repeated violations of the UCMJ resulted in her placement in remedial training, the verbal counseling's, the Letters of Reprimand, a UIF established and a conviction by a Summary Court-Martial. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior. 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.

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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 21 Apr 99 UP AFI 36-3208, para 5.50.2 (A Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and Change to Reentry Code.

2. **BACKGROUND:**

a. DOB: 6 Aug 78. Enlmt Age: 18 0/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-87, E-57, G-52, M-36. PAFSC: 3A031 - Information Management Apprentice. DAS: 10 Jun 97.

b. Prior Sv: (1) AFRes 6 Aug 96 - 12 Mar 97 (7 Months 7 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 13 Mar 97 for 4 yrs. Svd: 2 Yrs 1 Mo 9 Das, all AMS.

b. Grade Status: AMN - 17 Mar 99 (Special Court Martial, 3 Mar 99)
A1C - 13 Jul 98
AMN - 13 Sep 98

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 14 MAY 98 - Failure to return to duty after an appointment.
VERBAL COUNSELING, 19 DEC 97 - Dereliction of duty based on unsatisfactory duty performance.
LOR, 30 OCT 97 - Dereliction of duty due to negligence.
VERBAL COUNSELING, 21 OCT 97 - Duty performance below acceptable standards, poor attitude, and lack of motivation.

f. CM: Charge Sheet Attached to Brief

g. Record of SV: 13 Mar 97 - 12 Nov 98 Nellis AFB 4 (Initial)

(Discharged from Nellis AFB)

h. Awards & Decs: AFTR, AFEM.

i. Stmt of Sv: TMS: (2) Yrs (8) Mos (16) Das
TAMS: (2) Yrs (1) Mos (9) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Feb 03.
(Upgrade Discharge to Honorable and Change Reentry Code)

Issue 1: See attached documents (A) and (O). Both explain the issues I have regarding why I feel my discharge should be upgraded. Issues are highlighted in yellow.

ATCH

1. Applicant's Letter.
2. Performance Feedback.
3. Counseling Session.
4. Letter of Reprimand.
5. Memorandum for Record.
6. Letter of Appreciation.
7. Enlisted Performance Report.
8. Special Orders.
9. Promotion Selection.
10. Training Report.
11. Performance Feedback.
12. Record of Medical Care.
13. Charge Sheet.
14. Character Reference.
15. Response To Discharge.
16. News Article.
17. Character Reference.
18. College Transcripts.
19. DD Form 214.
20. Promotion Order.

8Apr03/cr



DEPARTMENT OF THE AIR FORCE

99TH SECURITY FORCES SQUADRON (ACC)
NELLIS AIR FORCE BASE, NEVADA

7 APR 99

MEMORANDUM FOR [REDACTED]

FROM: CC

SUBJECT: Notification Memorandum - Administrative Discharge AFI 36-3208

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, specifically conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service may 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 10 Nov 98, you did, at or near Nellis Air Force Base, Nevada, wrongfully and falsely alter by gluing the back of one member's military identification card to the back of [REDACTED] military identification card in words and figures as follows: the birth date of "1978AUG20" recorded on the back of [REDACTED] military identification card was altered to reflect a birth date of an individual who was twenty-one or more years of age as of the date of the alteration of [REDACTED] military identification card. For your actions, you were found guilty and sentenced by a summary court-martial on 3 Mar 99, as evidenced by the report of result of trial and an unfavorable information file (UIF) was established;

b. On divers occasions between on or about 1 Feb 98 and on or about 7 Nov 98, you did, at or near Las Vegas, Nevada, wrongfully and falsely alter by gluing the back of one member's military identification card to the back of Airman First Class [REDACTED] military identification card in words and figures as follows: the birth date of "1979SEP09" recorded on the back of Airman First Class [REDACTED] military identification card was altered to reflect a birth date of an individual who was twenty-one or more years of age as of the date of the alteration of Airman First Class [REDACTED] military identification card. For your actions, you were found guilty and sentenced by a summary court-martial on 3 Mar 99, as evidenced by the report of result of trial, and a UIF was established;

c. On divers occasions between on or about 1 Feb 98 and on or about 31 May 98, you did wrongfully use with intent to deceive an altered military identification card, then well knowing the same to be unauthorized. For your actions, you were found guilty and sentenced by a summary court-martial on 3 Mar 99, as evidenced by the report of result of trial and a UIF was established;

d. On divers occasions between on or about 1 Mar 98 and on or about 31 May 98, you did, at or near Las Vegas, Nevada, wrongfully and falsely alter by gluing the back of one member's military identification card to the back of Airman First Class [REDACTED] military identification card in words and figures as follows: the birth date of "1978AUG11" recorded on the back of Airman First Class [REDACTED] military identification card was altered to reflect a birth date of an individual who was twenty-one or more years of age as of the date of the alteration of Airman First Class [REDACTED] military identification card. For your actions, you were found guilty and sentenced by a summary court-martial on 3 Mar 99, as evidenced by the report of result of trial and a UIF was established;

e. On divers occasions between on or about 1 Mar 98 and on or about 31 May 98, you did, at or near Las Vegas, Nevada, wrongfully and falsely alter by gluing the back of one member's military identification card to the back of Airman First Class [REDACTED] military identification card in words and figures as follows: the birth date of "1979OCT15" recorded on the back of Airman First Class [REDACTED] military identification card was altered to reflect a birth date of an individual who was twenty-one or more years of age as of the date of the alteration of Airman First Class [REDACTED] military identification card. For your actions, you were found guilty and sentenced by a summary court-martial on 3 Mar 99, as evidenced by the report of result of trial and a UIF was established;

f. On or about 12 May 98, you did, without authority, fail to return to your appointed place of duty. On 12 May 98, you had two appointments. Once they were completed, you telephoned the office and relayed that you were going to the supply section to pick up some gear for the upcoming exercise. You failed to return to work for the remainder of the duty day. For your actions, you received a letter of reprimand (LOR) on 14 May 98;

g. Between on or about 11 Dec 97 and on or about 18 Dec 97, you were derelict in the performance of your duties in that you failed to follow proper procedures when issuing identification cards and line badges while assigned to the Pass and Registration Section. Additionally, you failed to properly account for these forms on the accountability logs. For your actions, you were verbally counseled and placed in remedial training on or about 19 Dec 97;

h. On or about 29 Oct 97, you were derelict in the performance of your duties in that you failed to properly issue and account for a DD FM2220, DOD Registered Vehicle Decal. This decal was discovered missing from your office. Additionally, during the search for this decal, it was discovered that you had registered several vehicles without noticing that a decal was missing, thereby failing to follow proper procedures for vehicle registration. For your actions, you received a LOR on 30 Oct 97; and

i. Due to your poor duty performance and lack of attention to detail you were verbally counseled on your duty performance on 21 Oct 97, as evidenced by the attached memorandum for record (MFR).

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, 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.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel at Bldg 625 on 8 Apr at 1130 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. **You have three (3) duty days (which includes the date served) to submit statements in your behalf.** Any statements you want the separation authority to consider must reach me by 13 Apr at 0930 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. In the event the commander exercising Special Court-Martial jurisdiction or a higher authority approves your discharge, separations will out-process you. Your initial separations briefing is scheduled for 12 Apr on 0900.

7. If you fail to consult or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

8. You have previously been scheduled for a medical examination at the 99th Medical Group on ~~6 Apr 99~~ at ~~0900~~ hours.

9 Apr 0800
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 in your Unit Orderly Room.

10. Execute the attached acknowledgment and return it to me immediately.



Squadron Section Commander

Attachments:

1. Record of Trial by Summary Court-Martial
2. Report of Result of Trial
3. Charge Sheet and attached evidence
4. UIF, undated
5. LOR, 14 May 98
6. MFR, 19 Dec 97
7. LOR, 30 Oct 97
8. MFR, 21 Oct 97

REPORT OF RESULT OF TRIAL

(This form may also be used for reporting the result of trial by summary court-martial)

DATE

3 Mar 99

TO: (Address to immediate commander of accused)

99th Security Forces Squadron

NOTIFICATION UNDER MCM 1984, R.C.M. 1101(a), IS HEREBY GIVEN IN THE CASE OF:

NAME (Last, First, Middle Initial)

RANK

SSN

ORGANIZATION

TYPE OF COURT

99th Security Forces Squadron

Nellis Air Force Base, Nevada, 89191

GENERAL

SPECIAL

SUMMARY

JUDGE ALONE

JUDGE ALONE

SUMMARY OF CHARGES, SPECIFICATIONS, PLEAS AND FINDINGS

UCMJ ARTICLE	NATURE OF OFFENSE	PLEAS	FINDINGS
CHG: Art 134		G	G
Specification 1:	Did, at or near Las Vegas, Nevada, on divers occasions between on or about 1 February 1998 and on or about 30 June 1998, wrongfully use with intent to deceive an altered military identification card, then well knowing the same to be unauthorized.	G	Guilty, except the words "30 June 1998," substituting therefore the words "31 May 1998." Of the excepted words, Not Guilty; of the substituted words, Guilty
Specification 2:	Did, at or near Las Vegas, Nevada, on divers occasions between on or about 1 February 1998 and on or about 7 November 1998, wrongfully and falsely alter by gluing the back of one member's military identification card to the back of Airman First Class [redacted] military identification card in words and figures as follows: the birth date of "1979SEP09" recorded on the back of Airman First Class [redacted] identification card was altered to reflect a birth date of an individual who was (SEE CONTINUATION)	G	G

SENTENCE

Reduction the the grade of airman (E-2), restriction to quarters (bldg #729, room #123), except for duty, obtaining 3 meals per day on base, and attending religious services 1 time per week, and accomplishing personal hygiene to include doing your laundry 1 time per week, and 16 days hard labor without confinement.

PRETRIAL CONFINEMENT CREDIT (Including military and civilian confinement.) (In days.)

DATE SENTENCE ADJUDGED (Or acquittal announced)

DISTRIBUTION (Prescribed by convening authority)

HQ AWFC/CC
 HQ AWFC/JA
 99 ABW/CC
 99 MSS/CC
 99 MSS/DPMPER
 99 MSS/DPMPEP
 99 MSS/DPMARO
 99 MSS/DPMD
 99 SFOF/SFOJ
 AFOSI DET 206

USAF JUD/ADC
 99 SFOF/SFOI

(CHECK ONE)

TRIAL COUNSEL

SUMMARY COURT OFFICER

DETAILED BY

HQ AWFC/JA

TYPED NAME AND GRADE

SIGNATURE

REPORT OF RESULT OF TRIAL, Continued

SUMMARY OF CHARGES, SPECIFICATIONS, PLEAS AND FINDINGS		99 SFS	
UCMJ ARTICLE	GIST OF OFFENSE	PLEAS	FINDINGS
Specification 3:	<p>twenty-one or more years of age as of the date of the alteration of Airman First Class [REDACTED] identification card.</p> <p>Did, at or near Las Vegas, Nevada, on divers occasions between on or about 1 March 1998 and on or about 31 May 1998, wrongfully and falsely alter by gluing the back of one member's military identification card to the back of Airman First Class [REDACTED] military identification card in words and figures as follows: the birth date of "1978AUG11" recorded on the back of Airman First Class [REDACTED] military identification card was altered to reflect a birth date of an individual who was twenty-one or more years of age as of the date of the alteration of Airman First Class [REDACTED] military identification card.</p>	G	G
Specification 4:	<p>Did, at or near Las Vegas, Nevada, between on or about 1 March 1998 and on or about 31 May 1998, wrongfully and falsely alter by gluing the back of one member's military identification card to the back of Airman First Class [REDACTED] military identification card in words and figures as follows: the birth date of "1979OCT15" recorded on the back of Airman First Class [REDACTED] military identification card was altered to reflect a birth date of an individual who was twenty-one or more years of age as of the date of the alteration of Airman First Class [REDACTED] military identification card.</p>	G	G
Specification 5:	<p>Did, at or near Las Vegas, Nevada, on or about 10 November 1998, wrongfully and falsely alter by gluing the back of</p>	G	G

one member's military identification card to the back of Airman [REDACTED] military identification card in words and figures as follows: the birth date of "1978AUG20" recorded on the back of Airman [REDACTED] military identification card was altered to reflect a birth date of an individual who was twenty-one or more years of age as of the date of the alteration of Airman [REDACTED] military identification card.