

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]		
TYPE	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
[REDACTED]					OTHER
[REDACTED]					DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES A93.09		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 13 AUG 03		CASE NUMBER FD2003-0133		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 [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INDORSEMENT				DATE: 13 AUG 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**

GENERAL: The applicant appeals for upgrade of discharge to honorable.

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 is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE: Applicant contends discharge was inequitable because another airman was harassing her and she was having problems with her back. The records indicated the applicant received four Article 15s, the first one for willfully failing to maintain a constant state of alertness and vigilance as a sentinel. The second one for sleeping upon her post. The third one for wrongfully using provoking words towards another airman and for assaulting that airman. The fourth one was for failing to remain awake at work. Also, the applicant received a Vacation action under the UCMJ for being derelict in the performance of her duties in that she willfully failed to keep her issued firearm with her at all times and for being disorderly. 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

[REDACTED]
[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 21 Feb 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 20 Sep 81. Enlmt Age: 17 5/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-63, E-41, G-42, M-23. PAFSC: 3P051 - Security Forces Journeyman. DAS: 5 Jun 01.

b. Prior Sv: (1) AFRes 17 Mar 99 - 15 Jun 99 (2 Months 29 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 16 Jun 99 for 4 yrs. Svd: 2 Yrs 8 Mos 6 Das, all AMS.

b. Grade Status: AB - 11 Oct 01 (Vacation of Article 15, 10 Dec 01)
AMN - 11 Oct 01 (Article 15, 11 Oct 01)
A1C - 16 Oct 00
AMN - 16 Dec 99

c. Time Lost: None.

d. Art 15's: (1) 14 Feb 02, Osan AB, Korea - Article 92. You, who knew of your duties, on or about 8 Feb 02, were derelict in the performance of those duties in that you willfully failed to remain awake at work, as it was your duty to do. Forfeiture of \$552.00 pay per month for 2 months, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

(2) 16 Jan 02, Osan AB, Korea - Article 117. You, did, on or about 3 Jan 02, wrongfully use provoking words, to wit: "Dyke, Lucky I don't stick this pole up your ass. Pussy. Stupid white bitch." or words to that effect towards A1C [REDACTED] Article 128. You, did, on or about 3 Jan 02, unlawfully strike A1C [REDACTED] in the face with your hand, pull her hair with your hands, and spit in her face with your saliva. Forfeiture of \$552.00 per month for two months, 45 days restriction, 45 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

(3) 10 Dec 01, Vacation, Osan AB, Korea - Article 92. You, who knew of your duties, on or about 23 Nov 01, were

derelict in the performance of those duties in that you willfully failed to keep your issued firearm with you at all times, as it was your duty to do. Article 134. You, were, on or about 23 Nov 01, disorderly, by being disrespectful in language toward SRA [REDACTED] Reduction to AB, and forfeiture of \$250 pay. (No appeal) (No mitigation)

(4) 11 Oct 01, Osan AB, Korea - Article 113. You, on or about 23 Sep 01, while on post as a sentinel at the South gate, were found sleeping upon your post. Reduction to AMN, suspended reduction to AB, forfeiture of \$250.00 pay per month for two months, suspended forfeiture in excess of \$250.00 pay, 45 days restriction, and 45 days extra duty. (No appeal) (No mitigation)

(5) 18 Sep 00, Eskan Village, Saudi Arabia - Article 92. You, who knew of your duties, on or about 9 Sep 00, were derelict in the performance of those duties in that you willfully failed to maintain a constant state of alertness and vigilance as a sentinel posted as November 12, as it was your duty to do. Suspended reduction to AB, forfeiture of \$152.00 per month for two months, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 14 JAN 02 - Failure to comply with dress and appearance standards.

f. CM: None.

g. Record of SV: 16 Jun 99 - 15 Feb 01 Barksdale AFB 3 (Initial)
(Discharged from Osan AB)

h. Awards & Decs: AFOUA, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (11) Mos (5) Das
TAMS: (2) Yrs (8) Mos (6) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Mar 03.
(Change Discharge to Honorable)

ISSUES: I have other medical doctors besides the doctors that I was seeing at Barksdale 2nd Med Group and Osans (sic) 51st Med Group. I have seen Dr [REDACTED] a chiropractor in Bossier Louisiana. A chiropractor in Fremont, California - Sunset Chiropractors and also was going to physical therapy in Fremont, California - Neurosport Rehabilitation (sic) for my back and spinal injury. I was doing this on my own after I seperated (sic) from the military. I was given a general (misconduct) discharge for being harrassed (sic) by another airman.

This was the last form of paper work I recieved (sic). Everything that led up to this paper work wise (sic) was all due to my back injuries, due to the drugs they put me on changed my ability to due (sic) my job. I was denied a chance to go to the Medical Bored (sic) to be analysed (sic) even after all the made appointments I attended. I still am injured and are (sic) recieving (sic) 60% medical benefits from the Veterans Affairs. You can contact the Veterans Affairs for the records that they have used to judge my medical condition. I feel that I should be considered honorable for trying to get to the medical boarded (sic) and being denied.

ATCH

None.

8Jul03/cr



DEPARTMENT OF THE AIR FORCE
 51ST Security Forces Squadron (PACAF)
 UNIT 2063
 APO AP 96278-2063

FEB 07 2002

MEMORANDUM FOR AB [REDACTED] 51 SFS

FROM: 51 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force based upon Minor Disciplinary Infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. If my recommendation is approved, then your service may be characterized as Honorable, Under Honorable Conditions (General) or Under Other Than Honorable Conditions (UOTHC). I am recommending that your service be characterized as General.

2. My reasons for this discharge action are as follows:

a. On or about 9 September 2000, at or near Eskan Village, Kingdom of Saudi Arabia, you were derelict in the performance of your duties by failing to maintain a constant state of alertness and vigilance while posted as a sentinel. For this misconduct, you received an Article 15 dated 18 September 2000, which subsequently established your Unfavorable Information File (UIF). (Atch 1a)

b. On or about 23 September 2001, at or near Osan Air Base, Republic of Korea, you were found sleeping on post while posted as a sentinel at the South Gate. For this misconduct, you received an Article 15 dated 11 October 2001 and it was placed in your UIF. (Atch 1b)

c. On or about 23 November 2001, you were derelict in the performance of your duties in that you willfully failed to keep your issued firearm with you at all times as it was your duty to do. In addition, you were on or about 23 November 2001 disorderly by using disrespectful language towards SrA [REDACTED]. For this misconduct, your previously suspended punishment of a reduction to the grade Airman Basic and forfeiture of \$250.00 pay was vacated on 10 December 2001 and it was placed in your UIF. (Atch 1c)

d. On or about 14 January 2002, you wore unauthorized headgear while in uniform. For this misconduct you received a Letter of Reprimand dated 14 January 2002 and it was placed in your UIF. (Atch 1d)

e. On or about 3 January 2002, you used provoking words towards A1C [REDACTED] and you assaulted her by striking her in the face, pulling her hair, and spitting at her. For this misconduct you received an Article 15 dated 16 January 2002 and it was placed in your UIF. (Atch 1e)

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. Any special pay, bonus, or education assistance funds may be subject to recoupment.
4. You have the right to consult counsel. Military legal counsel is available to assist you. You may consult the Area Defense Counsel, Capt [REDACTED], Bldg 937, at 784-6774. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements that you want the separation authority to consider must reach me by 1530 hours on 12 FEB 02 (three workdays) unless you request and receive an extension for good cause. I will forward any such statements to the separation authority.
6. If you fail to consult counsel or to submit statements on your own behalf, then 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 hospital at _____ hours on _____. *NIA MSA RECEIVED ME ON 23 JAN 02.*
8. The Privacy Act of 1974 protects any personal information that you furnish in your rebuttal. A copy of AFI 36-3208 is available for your use at the Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]

[REDACTED] Lt Col, USAF
Commander

Attachments:

1. Supporting documents
 - a. Article 15 dated 18 Sep 00 w/atch, 4 pages
 - b. Article 15 dated 11 Oct 01 w/atch, 4 pages
 - c. Record of Proceedings of Vacation of Suspended Nonjudicial Punishment dated 10 Dec 01 w/atch, 3 pages
 - d. LOR dated 14 Jan 02 w/atch, 3 pages
 - e. Article 15 dated 14 January 02, 3 pages
2. Airman's Receipt of Notification Memorandum