

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE [REDACTED]	AFSN/SSAN [REDACTED]			
TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	<input checked="" type="checkbox"/>					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]						X
[REDACTED]		X				
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES	A93.01 A94.05	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD			
		A67.10	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		
HEARING DATE		CASE NUMBER		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
30 Oct 2003		FD-2003-00180		TAPE RECORDING OF PERSONAL APPEARANCE		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
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: 11/03/2003			
TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00180

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change of reason for discharge and change of reenlistment eligibility code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, MD on October 30, 2003. The following witnesses also testified on the applicant's behalf: [REDACTED]

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 that would justify a change of discharge.

ISSUES: The applicant's issues are listed in the attached brief. The applicant requests upgrade of her discharge in order to reenter the Armed Services. The applicant contends her discharge was improper because of errors in disciplinary documentation, her supervisor illegally obtained her hotel receipts, and incorrect counseling regarding re-classification into alternate career fields. She believes her discharge was inequitable because it was too harsh, she was immature, and she had a personality conflict with her supervisor whom she contends relentlessly sought to catch her breaking rules. She further contends that her post service conduct is reflective of maturity and ability to serve.

The applicant was discharged with an under honorable conditions (general) discharge for minor disciplinary infractions after 9 months of service. The member had two Letters of Reprimand, and one Article 15 for repeated underage drinking, breaking curfew, and wrongfully entering hotels in violation of lawful instructions. The DRB took note of the timing of repeat offenses that occurred within days of formal disciplinary actions.

Following completion of basic training and entering technical training, the applicant twice requested reclassification into alternate career fields, the latter occasion due to an expressed fear of heights that interfered with completion of training requirements. After refusal to participate in pole climbing training, the applicant was apparently pending consideration for reclassification into a third career specialty. During this hiatus in training, the applicant was caught consuming alcohol under legal age, was disciplined, and referred for alcohol abuse evaluation and counseling. Following the initial incident of misconduct, the applicant testified she was notified she would not be reclassified into a third career field and was to be administratively discharge. The applicant then engaged in the repeated misconduct noted above leading to administrative discharge due to misconduct rather than due to failure in training (with an honorable discharge). Review of personnel records found no impropriety in documentation of disciplinary actions including witness statements obtained by the applicant's supervisor. Legal counsel also found no evidence the applicant's supervisor acted illegally in obtaining a hotel receipt. Although the applicant testified she was misled about reclassification into the career field of her choice, and her chances of reclassification into a third career field after she refused to participate in training due to her fear of heights, the Board found no evidence her chain of command acted improperly. The Board opined her initial misconduct while in a status awaiting consideration for her second reclassification influenced the decision to deny further reclassification and training. The DRB agrees with the applicant's contention that she was immature, but concluded her supervisor was appropriately performing his duties. The DRB was impressed with the applicant's honesty, and acceptance of responsibility for her behavior. The applicant's post service accomplishments reflected favorably on her current level of maturity and responsibility. Although the Board felt that she had learned from her experience in the Air Force, that such immature behavior was unlikely to recur, and that she had potential for service, there was no evidence of impropriety or inequity upon which to base an upgrade of her 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

FD2003-00180-A

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

1. MATTER UNDER REVIEW: Appl rec'd a Gen Dish fr USAF 12 Mar 01 UP AFI 36-3208, 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 6 Jun 01.

b. The AFDRB reviewed case on 21 Aug 01 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 3 Apr 03. (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF

Atch

1. DD Forms 214 (Member 4 & 1).
2. Letter of Appreciation.
3. Certificate of Training.
4. AF Form 1168, Statement of Suspect/Witness/Complainant.
5. AF Form 3070.
6. AF Form 1168, Statement of Suspect/Witness/Complainant.
7. Notification Memorandum.
8. AF Form 1168, Statement of Suspect/Witness/Complainant.
9. Letter of Reprimand, 9 Feb 01.
10. Applicant's Issues.

30MAY03/ia

Document A

This document I have submitted is a Letter of Appreciation from my Student Leader Program Monitor. I was the head rope in the building and in charge of my entire building, which consisted of all the females of two squadrons located on Lackland AFB, Medina Annex.

Document B

This document shows that I was a smart, motivated student who did finish her first technical school with no problem and received my Certificate of Training for the course.

Document C

This document is a partially false statement from [REDACTED]. In his statement, he goes on to say that I called him from a payphone near the Red Roof Inn hotel. That much is true. I was at the hotel and I did walk to a payphone to call [REDACTED] and [REDACTED]. However, I had called them and asked them to come to the hotel as soon as possible. They came to the hotel shortly after my call to them. However, I begged them to take me back to the base and they went on to say that they could not do so, because they were drinking and driving and they did not want to get caught at the gate on base. So they told me they would take me with them to another place. I can not remember where it was that they offered to take me, although, I did not want to go there. I wanted to go home. I did not want to be at a hotel or any sort of place like that, I wanted to be in my room on base. Though, I had no way to get there. Finally, I convinced another airmen, [REDACTED] to lend me his car so I could go back to the base and pick the rest of them up in the morning. [REDACTED] also did not have a witness sign this document. He signed the witness form himself.

Document D

In this document there was no witness signed, because there was no witness in the room with myself and [REDACTED]. Also, my signature is not on the last page, where it states "signature of person making statement". In my opinion, that makes this document incomplete and invalid.

Document E

This is the same basic document as Document C, although this is from [REDACTED]. Again, partially false statement. Also, [REDACTED] also signed the witness line, although [REDACTED] and [REDACTED] were the only two in the room. There was no witness.

Document F

This LOR should not have been issued in my opinion. I admit to being at a hotel at one time, although, [REDACTED] went to the hotel and retrieved my hotel receipt and gained entrance into my room. That is quite illegal. He is not my parental

guardian. He had no legal right to obtain my hotel receipt or gain access to my room. This was an illegal move by both the hotel and [REDACTED] himself. Therefore, how can I be in trouble for doing something wrong, when [REDACTED] himself was breaking the law?

Document G

No witness has signed this document once again on the first page and on the second page, it was [REDACTED], not a witness. This was a statement made by a friend of mine, [REDACTED]. [REDACTED] statement is also partially false. He states that he wasn't aware if there was or wasn't alcohol in his trunk, however, he was the purchaser of it. He did stay the night at the hotel as well.

Document H

This is a copy of my Article 15.

Document I

Nowhere does it say that we are not allowed to rent a hotel room. It just states that we are not allowed to be in one. Therefore, how can I get written up for renting one. Also, again [REDACTED] signed the witness place himself, there was never a witness in the room with us.

Document J

The highlighted item on this document states that I was drinking underage. However, there was alcohol where I was, but I was not drinking and there is absolutely no proof that I was. There were other airmen there of age. They were the ones that were drinking. How can I get in trouble for something that they can no prove. Innocent until proven guilty, no?

I am not saying that I was the perfect airmen. But them briefly explain to you my situation.

I was in tech school for Aircrew, then I had to take a break to have my wisdom teeth pulled. During this break, I learned more about the crew chief career and became interested in it. I asked my supervisors if there was a way I could change my job and they said as aircrew you can pull out at anytime. I explained to them that I did not want out of aircrew, unless I could become a crew chief. Since I was already in the crew chief squadron they said they could almost guarantee that I would get that AFSC. So I went ahead and pulled out of aircrew and waited months to be reclassified. Finally, I was reclassified into Cable. Not only in BMT did I state that I was afraid of heights, but I did not want cable. I wanted crew chief, just like I had been promised. I was told to stick it out until it was time to climb the poles and that then I would get reclassified. So I became a student leader and finished my first tech school with no problem. During my first tech school, I was a model airmen. I ran the entire female building and maintained good grades. I was the head rope of my squadron. Then I went on to my second tech school, where I had to climb poles. I refused to do so and requested to be reclassified. ~~They~~ told me that they would not reclassify me and I was probably going to get sent home. He stated that they usually do not reclassify more than once. At this point, I became very bitter. I wanted to stay in, I just did not want to climb poles. I was afraid of heights. He was not happy that I refused to climb poles and I was sent to do details for many months to come. Since I thought I was getting sent home and I was bitter about that, I figured why should I follow their rules? Granted, now I realize this was the wrong train of thought, at the time this is how I felt. So I did begin breaking curfew and actually ended up losing my rope. I was not in school, so on a daily basis I would wake up and sweep and mop floors. That made me even angrier. I joined the Air Force to better my life and protect my country, not to become a janitor. I do take the full responsibility for the things I did do wrong, but not everything ~~they~~ wrote me up for. I was a great airmen until I was told I was going to be sent home from the service. Therefore, I do not think I deserve a general discharge. I wanted to stay in and serve my country as a model airmen should. If you would please consider my request to upgrade my discharge to an honorable so I can reenlist into the service. I have learned my lesson from breaking curfew and I am now of age to drink, therefore I will not be getting in trouble for underage drinking. I would like to reenlist and become a student leader with high academic grades once again.

Thank you,

~~_____~~
~~_____~~

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 01/03/12 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch & to Change the Reason and Authority for Disch.

2. BACKGROUND:

a. DOB: 80/12/31. Enlmt Age: 19 4/12. Disch Age: 20 2/12. Educ: HS DIPL. AFQT: N/A. A-59, E-59, G-72, M-47. PAFSC: 1A411 - Airborne Battle Management Systems Helper. DAS: 00/11/01.

b. Prior Sv: (1) AFRes 00/05/24 - 00/06/06 (13 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enld as AB 00/06/07 for 6 yrs. Svd: 0 Yrs 9 Mo 6 Das, all AMS.

Grade Status: A1C - 00/12/08

c. Time Lost: none.

d. Art 15's: (1) 01/02/01, Sheppard AFB, TX - Article 92. You did, o/a 10 Jan 01, violate a lawful general instruction, to wit: para 2.1.8, Sheppard AFB Instruction 36-2902, dated 15 Oct 97, by wrongfully entering a local area motel. You did, o/a 10 Jan 01, violate a lawful general instruction, to wit: para 2.1.11, Sheppard AFB Instruction 36-2902, dated 15 Oct 97, by wrongfully consuming alcoholic beverages while under the legal drinking age of 21. You did, o/a 10 Jan 01, violate a lawful general instruction, to wit: para 7.3.4, Sheppard AFB Instruction 36-2902, dated 15 Oct 97, by wrongfully failing to return to and remain in your assigned dormitory room from 2200 to 0400. Forfeiture of \$250.00 pay per month for 2 months. (No appeal)
(No mitigation)

e. Additional: LOR, 09 FEB 01 - Violation of AFI 36-2902, by entering a local area hotel, wrongfully consuming alcoholic beverages while under the legal drinking age of 21, and failure to return to assigned dormitory room from 2200 to 0400.

LOR, 08 JAN 01 - Violation of AFI 36-2902, by wrongfully consuming alcoholic beverages while under the legal drinking age of 21.

f. CM: none.

g. Record of SV: none.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (0) Yrs (9) Mos (19) Das
TAMS: (0) Yrs (9) Mos (6) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01/03/12.

(Change Discharge to Honorable and Change the Reason and Authority for Discharge)

Issue 1: I feel I deserve a new reentry code and should get my reason for discharge changed from misconduct to academic or medical. I was told I was getting was getting discharged since I got reclassified into an AFSC that I had to climb a water tower and I am afraid of heights. Due to this, I felt it didn't matter how much trouble I got into, because they were kicking me out anyway. There is more to these stories, which I will to bring up in front of the board.

ATCH

1. DD Form 149.

01/06/06/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

02 MAR 2001

MEMORANDUM FOR [REDACTED]

FROM: 364 TRS/CSS

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 AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You did, at or near Sheppard AFB TX, on or about 3 Feb 01, violate a lawful general instruction, to wit: paragraph 2.1.8, Sheppard AFB Instruction 36-2902, dated 15 Oct 97, by wrongfully entering a local area hotel. For this infraction you received a Letter of Reprimand (LOR) on 9 Feb 01.

b. You did, at or near Sheppard AFB, TX, on or about 10 Jan 01, violate a lawful general instruction, to wit: paragraph 2.1.8, Sheppard AFB Instruction 36-2902, dated 15 Oct 97, by wrongfully entering a local area hotel. For this infraction and subparagraphs "c" and "d" below you received an Article 15 on 1 Feb 01.

c. You did, at or near Sheppard AFB, TX, on or about 10 Jan 01, violate a lawful general instruction to wit: paragraph 2.1.11, Sheppard AFB Instruction 36-2902, dated 15 Oct 97, by wrongfully consuming alcoholic beverages while under the legal drinking age of 21.

d. You did, at or near Sheppard AFB, TX, on or about 10 Jan 01, violate a lawful general instruction to wit: paragraph 7.3.4, Sheppard AFB Instruction 36-2902, dated 15 Oct 97, by wrongfully failing to return to and remain in your assigned dormitory room from 2200 to 0400.

e. You did, at or near Sheppard AFB, TX, on or about 24 Nov 00, violate a lawful general instruction, to wit: paragraph 2.1.11, Sheppard AFB Instruction 36-2902, dated 15 Oct 97, by wrongfully consuming alcoholic beverages while under the legal drinking age of 21. For this infraction you received a LOR on 8 Jan 01.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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.

3. 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 ~~_____~~ Area Defense Counsel, at Bldg 1638, Room 110 on 5 Mar at 0800 hours. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 7 Mar 01 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You were scheduled for a medical examination on 15 Feb 01 at 0900 hours.
7. 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 364 TRS commander's support staff office.
8. Execute the attached acknowledgment and return it to me immediately.

~~_____~~
Squadron Section Commander

Attachments (listed on next page)