

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD		
A94.05		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		
12 Sep 2003		FD-2003-00190			TAPE RECORDING OF PERSONAL APPEARANCE	
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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: 09/15/2003		
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-2003-00190

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

The applicant was offered a personal appearance before the Discharge Review Board (DRB) 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 or that provided by applicant substantiates an impropriety or inequity that would justify a change of discharge.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for failure to obey an order, three Letters of Reprimand for financial irresponsibility, presenting a false receipt of payment with the intent to deceive, being late for duty, failure to go and lying. Additionally, she received four Letters of Counseling for being late for work and for financial irresponsibility. The applicant states that she believes she was discharged because she filed an Inspector General Report against her supervisors. The DRB tried for two months to justify the applicants' claims and could not. They also contacted the individual on two separate occasions to see if she could provide additional documentation to justify her claim. She could not. If she 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 her 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 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 7 Jan 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 18 Nov 74. Enlmt Age: 19 5/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-87, E-85, G-98, M-70. PAFSC: 4A231 - Biomedical Equipment. DAS: 25 Jul 95.

b. Prior Sv: (1) AFRes 28 Apr 94 - 30 Jun 94 (2 months 3 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Jul 94 for 4 yrs. Svd: 2 Yrs 6 Mo 7 Das, all AMS.

b. Grade Status: AMN - 4 Nov 96 (Article 15, 4 Nov 96)
A1C - 1 Nov 95
AMN - 1 Jan 95

c. Time Lost: None.

d. Art 15's: (1) 4 Nov 96, Langley AFB, VA - Article 92. You, having knowledge of a lawful order issued by [REDACTED], [REDACTED], not to operate a motor vehicle on any military installation, including Langley AFB, an order which it was your duty to obey, did, at Langley AFB, VA, between on or about 8 Oct 96, and about 11 Oct 96, fail to obey the same by wrongfully operating a motor vehicle. Reduction to Airman. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 26 NOV 96 - Financial irresponsibility and presenting a false receipt of payment with the intent to deceive.

LOR, 25 SEP 96 - Late for duty.

LOR, 09 SEP 96 - Failure to go and lying.

RIC, 09 SEP 96 - Late for work.

RIC, 09 SEP 96 - Financial irresponsibility.

RIC, 22 FEB 96 - Financial irresponsibility.

RIC, 16 JAN 96 - Late for duty.

f. CM: None.

g. Record of SV: 1 Jul 94 - 29 Feb 96 Langley AFB 5 (Initial)

1 Mar 96 - 09 Dec 96 Langley AFB 2 (Cmdr Dir)

(Discharged from Langley AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (8) Mos (11) Das
TAMS: (2) Yrs (6) Mos (7) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Apr 03.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Copy of Discharge Documents.

28MAY03/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:
Recommendation for Discharge (and attachments) dated 23DEC96 -13 pages total

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 was inequitable because it was based on a compilation of minor infractions that were compiled and issued after I filed a 1st Fighter Wing Inspector General Report against my supervisors. In August of 1996, I filed an Inspector General complaint against my immediate supervisors [REDACTED] and [REDACTED]. My complaint detailed a physical assault by SSgt. [REDACTED], theft and misuse of government funds by all of the supervisors, fraud, waste and abuse and discrimination based on race. My complaint did not include a complaint against the first sergeant of the squadron [REDACTED] but did include he had full knowledge of everything that occurred prior to my I.G. complaint, as I had personally detailed my concerns to him, and made no effort to correct the situation or remove me from the shop. My I.G. complaint resulted in the discovery of theft, misappropriation of funds well over \$10,000, discrimination based on race, harassment and assault. Many of the disciplinary infractions listed in my recommendation for discharge were items that had occurred months previously but were cited on 9SEP96, less than 2 weeks after my I.G. complaint was filed, including: 1) a Letter of Counseling dated 9SEP96 for starting a pre-approved leave which was revoked the night of 8SEP96 without notice 2) a Letter of Reprimand dated 9SEP96 on the testimony of [REDACTED] whom I had filed the bulk of my complaints against, denying I had a doctors appointment on 19JUL96 (after appearing for my appointment on that date I was admitted to Portsmouth Naval Hospital for 3 days) 3) a Letter of Counseling dated 24SEP96 for arriving at work within 10 minutes of my scheduled time after my car window had been shattered by an unknown person the night before 4) a Non-judicial Punishment resulting in reduction of grade dated 4NOV96 based on the testimony of [REDACTED] that I was seen driving on base sometime between 8OCT96-11OCT96 under a suspended license, however he was unable to recall an exact date, time or location. I was discharged from the Air Force on 07JAN97, within 5 months of my I.G. complaint. With the knowledge and many honor certificates I earned while in the Air Force, I have since excelled in the sales field and am an active volunteer in the local community. While I have put my military experience behind me, I am seeking an upgrade to an honorable discharge so that I may use my G.I. Bill benefits to complete my bachelors degree.

	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.
	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) 20030416	b. SIGNATURE [REDACTED]
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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 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001

DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 1ST FIGHTER WING

LANGLEY AIR FORCE BASE VA



MEMORANDUM FOR AMN [REDACTED]

23 Dec 96

FROM: 1 MDSS/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, Section H, Paragraph 5.49. If my recommendation is approved, your service will be characterized with either an honorable or an under honorable conditions (general) discharge. I am recommending that your service be characterized with an under honorable conditions (general) discharge.

2. My reasons for this action are:

a. You did, on or about 16 January 1996, without authority, fail to report to your place of duty, in which it was your duty to do. For this misconduct you received a letter of counseling on 16 January 1996. (Attachment 1)

b. You did, on or about 5 February 1996, make and utter a certain check for payment to your landlord, and therefore dishonorably fail to maintain sufficient funds in your account for payment. For this misconduct you received a letter of counseling on 22 February 1996. (Attachment 2)

c. You did, on or about 8 August 1996, make and utter a certain check for payment to Little Creek Navy Exchange in the amount of \$100.00 and did thereafter dishonorably fail to maintain sufficient funds in your account. For this misconduct you received a letter of counseling on 9 September 1996. (Attachment 3)

d. You did, on or about 9 September 1996, without authority, failed to report to you place of duty in which it was your duty to do so. For this misconduct you received a letter of counseling on 9 September 1996. (Attachment 4)

e. You did, on or about 19 July 1996, having knowledge of a lawful order to report to your duty section, fail to obey the order which it was your duty to do. For this misconduct you received a letter of reprimand on 9 September 1996. (Attachment 5)

f. You did, on or about 24 September 1996, without authority, failed to report to your place of duty which it was your duty to do. For this misconduct you received a letter of counseling on 25 September 1996. (Attachment 6)

g. You, having knowledge of a lawful order issued by [REDACTED], not to operate a motor vehicle on any military installation, including Langley Air Force Base, an order which it was your duty to obey, did, at Langley Air Force Base, Virginia, between on or about 8 October 1996 and about 11 October 1996, fail to obey the same by wrongfully operating a motor vehicle at Langley Air Force Base, Virginia. For this misconduct you received nonjudicial punishment on 4 November 1996, consisting of reduction to the grade of Airman (E-2), with new date of rank of 4 November 1996. (Attachment 7)

h. You did, on or about 15 October 1996, forge a receipt from the Naval Base Exchange in the amount of \$127.50 with the intent to deceive your supervisor. For this misconduct you received a letter of reprimand on 26 November 1996. (Attachment 8)

Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

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 Captain [REDACTED] Area Defense Counsel, 56 Willow Street, Suite 101, Ext 5607 at 10:30 hours on 23 Dec 1996. 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 0900 AM 1996 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 have been scheduled for a medical examination. You must report to the 1st Medical Group, Physical Exam Section at 1300 hours on 22 Dec 1996 and an additional examination will be scheduled if necessary.

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 unit orderly room.