

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

TYPE	PERSONAL APPEARANCE	RECORD REVIEW
------	---------------------	---------------

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

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A95.00	INDEX NUMBER A67.10	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 DATE 06 Dec 2003	CASE NUMBER FD-2003-00298
------------------------------------	-------------------------------------

APPLICANT'S ISSUES AND THE BOARD'S DECISIONS/RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Randolph AFB, Texas.

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
---------------------------	----------------------------------

INDORSEMENT		DATE: 12/6/2003
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-2003-00298

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge. 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:

The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated that the applicant received two nonjudicial punishment actions for twice failing to go at the time prescribed to her appointed place of duty and wrongfully appropriating a car and a cellular phone, and a vacation of suspended nonjudicial punishment for failure to go to her appointed place of duty. The applicant also received a summary court-martial conviction for failure to go to her appointed place of duty. Additionally, the applicant received four counselings, five Letters of Reprimand, and had her promotion to airman first class withheld. The DRB opined that through these administrative nonjudicial, and judicial actions, the applicant had ample opportunities to change her repetitive, negative behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members.

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 16 May 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 17 Jun 79. Enlmt Age: 18 4/12. Disch Age: 20 11/12. Educ:HS DIPL. AFQT: N/A. A-67, E-42, G-46, M-14. PAFSC: 2S031 - Supply Apprentice. DAS: 23 Jul 98.

b. Prior Sv: (1) AFRes 28 Oct 97 - 24 Mar 98 (4 Months 25 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 25 Mar 98 for 4 yrs. Svd: 2 Yrs 1 Mo 21 Das, of which AMS is 2 Yrs 1 Mos 16 Das (Ex: 5 Das lost time).

b. Grade Status: AB - 23 Mar 00 (Article 15, 23 Mar 00)
AMN - 12 Oct 99 (Vacation of Article 15, 23 Feb 00)
A1C - 25 Jul 99
AMN - 25 Sep 98

c. Time Lost: 25 Apr 00 - 30 Apr 00 (5 Days)

d. Art 15's: (1) 23 Mar 00, Seymour Johnson AFB, NC - Article 86. You did, on or about 8 Mar 00, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 10 Mar 00, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB. (No appeal) (No mitigation)

(2) 28 Feb 00, Seymour Johnson AFB, NC - Article 121. You did, on or about 28 Dec 99 and on or about 15 Jan 00, wrongfully appropriate a 1996 Dodge Neon and a cellular phone, of a value of some amount, the property of A1C [REDACTED] Forfeiture of \$50.00 pay per month for 2 months, 15 days extra duty, and a reprimand. (No appeal) (No mitigation)

(3) 23 Feb 00, Vacation, Seymour Johnson AFB, NC - Article 86. You did, on or about 6 Jan 00, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AMN. (No appeal) (No mitigation)

- (4) 12 Oct 99, Seymour Johnson AFB, NC - Article 86. You did, on or about 1 Sep 99, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to AMN, 30 days restriction, 30 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)
- e. Additional: LOR, 10 DEC 99 - Late for work.
MEMO, 30 NOV 99 - Violation of Air Force standards.
MEMO, 06 NOV 99 - Financial irresponsibility.
MEMO, 21 OCT 99 - Late for work on several occasions.
LOR, 15 OCT 99 - Disregard for authority and late for work.
LOR, 15 OCT 99 - Willful disregard for authority and dereliction of duty.
LOR, 12 AUG 99 - Failure to report for duty at the appointed time and place.
RIC, 05 AUG 99 - Failure to obey orders concerning weight management policies.
MEMO, 22 JUL 99 - Promotion withheld due to failure to meet quality standards.
LOR, 23 JUL 99 - Financial irresponsibility.
ARREST ORDER, 2 JUL 99 - Issuing worthless checks.
RIC, 11 JUN 99 - Late for work.
MEMO, 01 JUN 99 - Financial irresponsibility.
MEMO, 02 DEC 98 - Financial irresponsibility.
RIC, 20 OCT 98 - Late for work and missed an appointment.
RIC, 05 Oct 98 - Missed a mandatory appointment.
- e. CM: Summary Court Martial, 25 Apr 00.
CHARGE: Article 86. Plea: Guilty. Finding: Guilty.
Specification: Did at Seymour Johnson AFB, NC on divers occasions between on or about 3 Apr 00 and on or about 12 Apr 00, without authority, fail to go at the time prescribed to her appointed place of duty. Sentence approved by convening authority on 3 May 00. Confinement for seven days and forfeiture of \$250.00 of pay per month for one month.
- g. Record of SV: 25 Mar 98 - 24 Nov 99 Seymour Johnson 2 (Initial) **REF**
(Discharged from Seymour Johnson AFB)
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (2) Yrs (6) Mos (13) Das
TAMS: (2) Yrs (1) Mos (16) Das

Fd2003-00298

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 May 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH
None.

31Jul03/cr

**DEPARTMENT OF THE AIR FORCE**4TH FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

4 May 00

MEMORANDUM FOR AB: [REDACTED]

FROM: 4 SUPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. According to Table 1.3, Rule 11 of AFI 36-3208, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. Between on or about 2 October 1998 and 5 October 1998, you failed to show up to two mandatory appointments. This is evidenced by a Record of Individual Counseling (AF Form 174) dated 5 October 1998 (Tab 1a).

b. On or about 14 October 1998, you failed to report to your appointed place of duty at the time prescribed. This is evidenced by a Record of Individual Counseling (AF Form 174) dated 20 October 1998 (Tab 1b).

c. On or about 2 December 1998, your charge and check cashing privileges were suspended by the Army and Air Force Exchange Services (AAFES) due to your exchange credit account being past due in the amount of \$40.00. This is evidenced by an AAFES Collection & Tracking Memorandum dated 2 December 1998 (Tab 1c).

d. On or about 1 June 1999, your AAFES exchange credit account was past due in the amount of \$45.00. As a result, your charge and check cashing privileges were suspended by AAFES. This is evidenced by an AAFES Memorandum dated 1 June 1999 (Tab 1d).

e. On or about 10 June 1999, you reported to work late. This is evidenced by a Record of Individual Counseling (AF Form 174) 11 June 1999 (Tab 1e).

f. On or about 2 July 1999, you were arrested by civilian authorities for failing to appear in court for a worthless check offense. This is evidenced by an Order for Arrest dated 2 July 1999 (Tab 1f).

g. On or about 23 July 1999, you received a Letter of Reprimand (LOR) for failing to pay a check you wrote in Wake County and for failing to pay a just debt to a local business in the amount of \$100.00. This is evidenced by a Letter of Reprimand dated 23 July 1999 (Tab 1g).

h. On or about 22 July 1999, your promotion to E-3 was withheld because you failed to meet Quality Force Standards. This is evidenced by 4 SUPS/CCQ Memorandum dated 22 July 1999 (Tab 1h).

i. On or about 5 August 1999, you failed to obey orders concerning Weight Management Fitness Program policies. This is evidenced by a Record of Individual Counseling dated 5 August 1999 (Tab 1f).

j. On or about 12 August 1999, you failed to report for duty at the appointed time and place because you were in your dormitory room sleeping for two hours. This is evidenced by a Letter of Reprimand dated 12 August 1999 (Tab 1j).

k. On or about 1 September 1999, you failed to go at the time prescribed to your appointed place of duty, building 4536. This is evidenced by AF Form 3070 dated 30 September 1999 with attachments (Tab 1k).

l. Between the period of 22 September 1999 and 25 September 1999, you failed to obey the lawful orders of TSgt Thibodeau, who you knew to be a noncommissioned officer. This is evidenced by a Letter of Reprimand dated 15 October 1999 (Tab 1l).

m. On or about 1 October 1999, you were placed on quarters by [REDACTED] and were informed to go to your quarters for a 24-hour period starting at 0940. While on quarters, you were only to make necessary trips/stops at the pharmacy, convenience/grocery store (as stated on the Quarters Authorization Form) or to the dining hall to eat. You were observed by your supervisor at the Shady J Enlisted Club at midnight. This is evidenced by a Letter of Reprimand dated 15 October 1999 (Tab 1m).

n. Between the period of 19 October 1999 and 20 October 1999, you were late for duty on two occasions. This is evidenced by MSgt(s) [REDACTED] Memorandum for Record dated 21 October 1999 (Tab 1n).

o. On or about 6 November 1999, your AAFES exchange credit account was past due in the amount of \$38.00. As a result, your charge and check cashing privileges were suspended by AAFES. This is evidenced by a DPP Service Center memorandum dated 6 November 1999 (Tab 1o).

p. On or about 29 November 1999, you reported to your duty section with your hair dyed an unusual color (orange/yellow). This was in direct violation of Air Force Standards of Dress and Appearance. This is evidenced by TSgt [REDACTED] Memorandum for Record dated 30 November 1999 (Tab 1p).

q. On or about 29 November 1999, you failed to report for duty at the appointed time and place. This is evidenced by a Letter of Reprimand dated 10 December 1999 (Tab 1q).

r. On or about 6 January 2000, you failed to report for duty at the appointed time and place. This is evidenced by AF Form 1058 dated 7 January 2000 with attachment (Tab 1r).

s. On or about 6 January 2000, you failed to report for duty at the appointed time and place. This is evidenced by AF Form 366 dated 16 February 2000 (Tab 1s).

t. Between the period of 28 December 1999 and 15 January 2000, you wrongfully appropriated a 1996 Dodge Neon and a cellular phone belonging to another individual in the squadron. This is evidenced by Article 15 punishment (AF Form 3070), dated 16 February 2000 (Tab 1t).

u. On or about 8 March 2000 and 10 March 2000, you failed to go to your appointed place of duty at the time prescribed. This is evidenced by an AF Form 3070 dated 15 March 2000 (Tab 1u).

v. Between on or about 3 April 2000 and on or about 12 April 2000, you failed to go at the time prescribed to your appointed place of duty. This is evidenced by a Report of Trial By Summary Court-Martial (DD Form 2329) dated 25 April 2000 with attachment (Tab 1v).

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.

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 CAPT [REDACTED], Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on 5 May 00 (date) at 0900 (time). You may consult civilian counsel at your own expense.

5. You have the right to submit statements ^{in your own behalf} in your own behalf. Any statements you want the separation authority to consider must reach me by 9 May 00 (allow three duty days) 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 in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a mandatory medical examination at the Physical Examination Section, 4th Medical Group, Seymour Johnson AFB, at **0830 hours on 4 May 2000**. You are scheduled for a mandatory follow-up appointment at Family Practice (**Blue Team**) at **0910 hours on 4 May 2000**.

8. 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 at the unit orderly room or the Area Defense Counsel office.

9. Execute the attached acknowledgement and return it to me immediately.

[REDACTED]

Major, USAF
Commander

Attachments:
Listed on Next Page

Attachments:

1. Supporting Documentation:
 - a. AF Form 174, dtd 5 October 1998
 - b. AF Form 174, dtd 20 October 1998
 - c. AAFES Collections & Tracking Memorandum, dtd 2 December 1998
 - d. DPP Service Center Memorandum, dtd 1 June 1999
 - e. AF Form 174, dtd 11 June 1999
 - f. Wake County District Court Division Order for Arrest, dtd 2 July 1999
 - g. Letter of Reprimand, dtd 23 July 1999
 - h. 4 SUPS/CCQ Memorandum, dtd 22 July 1999
 - i. AF Form 174, dtd 5 August 1999
 - j. Letter of Reprimand, dtd 12 August 1999
 - k. AF Form 3070, dtd 30 September 1999
 - l. Letter of Reprimand, dtd 15 October 1999
 - m. Letter of Reprimand, dtd 15 October 1999
 - n. Memo for record, dtd 21 October 1999
 - o. DPP Service Center Memorandum, dtd 6 November 1999
 - p. Memo for Record, dtd 30 November 1999
 - q. Letter of Reprimand, dtd 10 December 1999
 - r. AF Form 1058, dtd 7 January 2000
 - s. AF Form 366, dtd 16 February 2000
 - t. AF Form 3070, dtd 16 February 2000
 - u. AF Form 3070, dtd 15 March 2000
 - v. Record of Trial By Summary Court-Martial, dtd 25 April 2000 w/attachment
2. Airman's Receipt of Notification Memorandum
3. Physical Examination
4. EPRs
5. Airman's Statement