

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> AMN	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>EDUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>	
	<b>X</b>	

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

<b>ISSUES</b> A94.53	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<b>1</b>	ORDER APPOINTING THE BOARD	
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
		<b>3</b>	LETTER OF NOTIFICATION	
		<b>4</b>	BRIEF OF PERSONNEL FILE	
			COUNSEL'S RELEASE TO THE BOARD	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

<b>HEARING DATE</b> 17 Dec 2003	<b>CASE NUMBER</b> FD-2003-00304	
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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.

[REDACTED SIGNATURE]

<b>SIGNATURE</b>		<b>INDORSEMENT</b>	<b>DATE</b> 12/17/2003
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

**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.

**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 applicant was habitually late to work or failed to go and received an Article 15, a vacation of suspended punishment, four Letters of Reprimand, three Records of Individual Counseling, and four other memorandums documenting her misconduct. In his recommendation letter, applicant's commander stated that her repeated misconduct was negatively impacting unit morale. At the time of the discharge processing, applicant consulted counsel and submitted a statement requesting retention, or in the alternative, an honorable discharge. Additionally, the discharge was delayed to resolve some medical issues. The records reflected applicant was evaluated for a sleep disorder, but her sleep studies were inconclusive and ultimately a sleep disorder was ruled out and it was determined her habitual lateness was volitional. Furthermore, applicant was found to have an adjustment disorder with depressed mood, which would also have rendered her subject to administrative discharge. The DRB opined that through the unit's myriad administrative 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, and found no evidence of impropriety or inequity in this case on which to base an upgrade of 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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 22 Mar 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 16 Sep 82. Enlmt Age: 17 7/12. Disch Age: 19 6/12. Educ: HS DIPL. AFQT: N/A. A-76, E-66, G-80, M-67. PAFSC: 3A031 - Information Management Apprentice. DAS: 30 Mar 01.

b. Prior Sv: (1) AFRes 26 Apr 00 - 5 Jul 00 (2 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Jul 00 for 6 yrs. Svd: 1 Yrs 8 Mo 17 Das, all AMS.

b. Grade Status: AMN - 18 Oct 01 (Vacation of Article 15, 7 Jan 02)  
A1C - 18 Aug 00

c. Time Lost: None.

d. Art 15's: (1) 07 Jan 02, Vacation, Tyndall AFB, FL - Article 86. You, did, on or about 6 Dec 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. (No appeal) (No mitigation)

(2) 18 Oct 01, Tyndall AFB, FL - Article 86. You, did, on or about 3 Oct 01, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Airman, 30 days correctional custody, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 17 JAN 02 - Late for work.  
LOR, 10 JAN 02 - Late for work.  
LOR, 12 DEC 01 - Failure to go.  
RIC, 11 DEC 01 - Late for work.  
LOR, 13 SEP 01 - Late for work on 2 occasions.  
LOR, 28 AUG 01 - Late for work and disobeying a lawful order.  
LOR, 20 AUG 01 - Late for work and failure to go.  
LOC, 10 AUG 01 - Failure to go.  
LOR, 09 AUG 01 - Late for work.  
MEMO, 18 JUL 01 - Missed appointment.  
RIC, 13 JUN 01 - Late for work, missing mandatory

formation, and disobeying a direct order.  
RIC, 26 APR 01 - Late for duty.

f. CM: None.

g. Record of SV: None.

(Discharged from Tyndall AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (1) Yrs (10) Mos (25) Das  
TAMS: (1) Yrs (8) Mos (17) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Aug 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**

None.

10OCT03/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR AMN [REDACTED]

JAN 25 2002

FROM: 325 CS/CC

SUBJECT: Notification Memorandum—Administrative Discharge

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions. The authority for this action is Air Force Policy Directive 36-32 and Air Force Instruction 36-3208, Chapter 5, Section H, para 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. You did, at or near Tyndall Air Force Base, Florida, on or about 17 January 2002, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1003, Base Information Transfer Center, as evidenced by a LOR dated 17 January 2002. (Atch 1a)

b. You did, at or near Tyndall Air Force Base, Florida, on or about 10 January 2002, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1003, Base Information Transfer Center, as evidenced by a LOR dated 10 January 2002. (Atch 1b)

c. As evidenced by Vacation of Nonjudicial Punishment finalized 9 January 2002, a LOR dated 12 December 2001, and a Record of Individual Counseling dated 11 December 2001:

1) You did, at or near Tyndall Air Force Base, Florida, on or about 6 December 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1003, Base Information Transfer Center.

2) You did, at or near Tyndall Air Force Base, Florida, on or about 12 December 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1003, Base Information Transfer Center. (Atch 1c)

d. You did, at or near Tyndall Air Force Base, Florida, on or about 13 December 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1003, Base Information Transfer Center, as evidenced by a MFR dated 13 December 2001. (Atch 1d)

e. You did, at or near Tyndall Air Force Base, Florida, on or about 3 October 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1003,

Base Information Transfer Center, as evidenced by an Article 15 finalized 31 October 2001. (Atch 1e)

f. You did, at or near Tyndall Air Force Base, Florida, on or about 13 September 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1003, Base Information Transfer Center, as evidenced by a letter to you dated 13 September 2001, which you acknowledged receiving. (Atch 1f)

g. You did, at or near Tyndall Air Force Base, Florida, on or about 27 August 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1003, Base Information Transfer Center, as evidenced by a letter to you dated 28 August 2001, which you acknowledged receiving. (Atch 1g)

h. You did, at or near Tyndall Air Force Base, Florida, on or about 16 August 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1003, Base Information Transfer Center, as evidenced by a letter to you dated 20 August 2001, which you acknowledged receiving. (Atch 1h)

i. You did, at or near Tyndall Air Force Base, Florida, on or about 7 August 2001, without authority, fail to go to a mandatory formation, as evidenced by a memorandum entitled "Letter of Counseling" dated 10 August 2001. (Atch 1i)

j. You did, at or near Tyndall Air Force Base, Florida, on or about 7 August 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1003, Base Information Transfer Center, as evidenced by a LOR dated 9 August 2001. (Atch 1j)

k. You did, at or near Tyndall Air Force Base, Florida, on or about 18 July 2001, fail to go to a mandatory medical appointment, as evidenced by a memorandum dated 1 August 2001. (Atch 1k)

l. As evidenced by a Record of Individual Counseling dated 13 June 2001:

1) You did, at or near Tyndall Air Force Base, Florida, on or about 4 June 2001, fail to maintain your fingernails within acceptable standards of dress and appearance, in violation of AFI 36-2903, after being told twice to fix them by your supervisor, SSgt [REDACTED]

2) You did, at or near Tyndall Air Force Base, Florida, on or about 7 June 2001, 8 June 2001, 11 June 2001, 12 June 2001, and 13 June 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1003, Base Information Transfer Center. (Atch 1l)

m. You did, at Tyndall Air Force Base, Florida, on or about 26 April 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: your scheduled FTAC class, as evidenced by a Record of Individual Counseling dated 26 April 2001. (Atch 1m)

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. 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.
4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult Capt [REDACTED] Area Defense Counsel, Bldg. 1005 (3-2911) at 1500hrs on 28 Jan 02. You may consult civilian legal counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three (3) workdays unless you request and receive an extension, in writing, for showing good cause. I will send them to the separation authority.
6. If you fail to consult counsel or 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 medical records check as part of this discharge process. You must report to the NCOIC, Physical Examinations, Building 1465, Monday, Tuesday, Thursday or Friday between 1330 and 1500 to complete this medical records check.
8. You have been scheduled for a separations briefing. You must report to 325 MSS/DPMAR (Separations) section at 0830 hrs on 28 Jan 02.
9. Any personal information you furnish in rebuttal is covered by the Privacy Act. A copy of AFI 36-3208 is available for your use in the unit personnel office.
10. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]  
[REDACTED] t C USAF  
Commander, 325 CS

## Attachments:

- 1a. LOR, dated 17 Jan 02
- 1b. LOR, dated 10 Jan 02
- 1c. Vacation Actions, dated 9 January 2002; LOR, dated 12 Dec 01; Record of Individual Counseling, dated 11 Dec 01
- 1d. MFR, dated 13 Dec 01
- 1e. Article 15, dated 31 Oct 01
- 1f. Letter, dated 13 Sep 01
- 1g. Letter, dated 28 Aug 01
- 1h. Letter, dated 20 Aug 01
- 1i. Memo "Letter of Counseling", dated 10 Aug 01
- 1j. LOR, dated 9 Aug 01
- 1k. Memorandum, dated 1 Aug 01
- 1l. Record of Individual Counseling, dated 13 Jun 01
- 1m. Record of Individual Counseling, dated 26 Apr 01
- 2. Airman's Receipt of Notification Memorandum