

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE ██████████	AFSN/SSAN ██████████			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING <div style="border: 1px dashed black; width: 300px; height: 150px; margin: 10px 0;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A94.53	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			
HEARING DATE 08 Oct 2003	CASE NUMBER FD-2003-00309	ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE				
		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						
<p>Case heard at Washington, D.C.</p> <p>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</p> <div style="border: 1px dashed black; width: 700px; height: 40px; margin: 10px 0;"></div>						
INDORSEMENT				DATE: 10/8/2003		
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-2003-00309

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 1. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received an Article 15, vacation of suspended punishment, a Letter of Reprimand, and had an Unfavorable Information File. She was also placed on the Control Roster. Her misconduct included making two false official statements, and failing to go to her place of duty three times. At the time of the discharge, member consulted counsel and waiver her right to submit statements on her own behalf. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change her negative behavior but was unable or unwilling to do so. The Board concluded her misconduct was a significant departure from conduct expected of all military members. 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. Thus, the characterization of the discharge received by the applicant was found to be appropriate.

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 this 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.

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 10 Dec 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 26 Oct 81. Enlmt Age: 19 2/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-59, E-48, G-41, M-40. PAFSC: 2W131E - F-15 Aircraft Armament Systems Apprentice. DAS: 18 Aug 01.

b. Prior Sv: (1) AFRes 10 Jan 01 - 30 Jan 01 (21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 31 Jan 01 for 6 yrs. Svd: 0 Yrs 10 Mo 10 Das, all AMS.

b. Grade Status: AMN - 19 Oct 01 (Vacation of Article 15, 6 Nov 01)
 A1C - 16 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 6 Nov 01, Vacation, RAF Lakenheath, UK - Article 86. You did, on or about 27 Oct 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: RAF Lakenheath Fire Department. Article 107. You did, on or about 27 Oct 01, with intent to deceive, make to MSgt [REDACTED], an official statement, to wit: "that you had gone to Ipswich and the designated driver started drinking and you had to take a taxi back to base" or words to that effect, which statement was false in that you never went to Ipswich nor took a taxi back to base, and was then known by you to be so false. Reduction to Airman. (No appeal) (No mitigation)

(2) 19 Oct 01, RAF Lakenheath, UK - Article 86. You, did, on divers occasions between on or about 3 Oct 01 and on or about 4 Oct 01, without authority, fail to go at the time prescribed to your appointed place of duty. Article 107. You, did, on or about 3 Oct 01, with intent to deceive, make to TSgt [REDACTED] an official statement, to wit: "that you were on quarters" or words to that effect, which statement was false in that you never went to the hospital to be placed on quarters, and was then known by you to be so false. Suspended reduction to Airman, and 14 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 2 NOV 01 - Failure to go.
- f. CM: None.
- g. Record of SV: None.

(Discharged from Moody AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (0) Yrs (11) Mos (1) Das
TAMS: (0) Yrs (10) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 Jun 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

4AUG03/ia



DEPARTMENT OF THE AIR FORCE
48TH FIGHTER WING (USAFE)

NOV 16 2001

MEMORANDUM FOR AMN [REDACTED]

FROM: 492 FS/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 AFPD 36-32 and AFI 36-3208, under the provisions of paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. At or near RAF Lakenheath, UK, on or about 28 Oct 01, you did, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 1200, Fire Department Building. For this you received a Letter of Reprimand and UIF.
 - b. At or near RAF Lakenheath, UK on or about 27 Oct 01, you did, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 1200, Fire Department Building. For this your suspended non-judicial punishment dated 17 Nov 01 was vacated, AF Form 366.
 - c. At or near RAF Lakenheath, UK, on or about 27 Oct 01, you did, with intent to deceive, make to [REDACTED] an official statement, to wit: "that you had gone to Ipswich and the designated driver started drinking and you had to take a taxi back to base" or words to that effect, which statement was false in that you never went to Ipswich nor took a taxi back to base on the day in question, and was then known to by you to be so false. For this your suspended non-judicial punishment dated 17 Nov 01 was vacated, AF Form 366, as paragraph b, supra.
 - d. At or near RAF Lakenheath, UK, on divers occasions, between on or about 3 Oct 01 and on or about 4 Oct 01, you did, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 492nd Fighter Squadron and Bldg 932, RAF Lakenheath Hospital. For this you received non-judicial punishment, dated 15 Oct 01.
 - e. At or near RAF Lakenheath, UK, on or about 3 Oct 01, you did, with intent to deceive, make to Technical Sergeant [REDACTED] an official statement, to wit: "that you were on quarters" or words to that effect, which statement was false in that you never went to the hospital to be place on quarters, and was then known to by you to be so false. For this you received non-judicial punishment dated 15 Oct 01, as paragraph d, supra.

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.
4. You have the right to consult counsel. Military legal counsel, [REDACTED] Area Defense Counsel, Bldg 948, ext 3608, has been obtained to assist you. An appointment has been scheduled for you to consult him at 0930 hrs on 16 Nov 01. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 21 Nov 2001 unless you request, and I grant an extension for good cause. Any statement(s) you submit will be forwarded 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 must report to the **Physical Exam** section at the 48th Medical Group between 1300-1400 hrs Monday thru Thursday. At this time, an appointment at Family practice will be scheduled for you. If you wear eyeglasses, you must bring them with you. If you are unable to make any of your scheduled appointments, you must contact the First Sergeant immediately.
8. The Privacy Act Statement covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in your unit orderly room.
9. Sign the attached acknowledgment and return it to me immediately.

[REDACTED]
[REDACTED], USAF
Commander

Attachments:

1. Supporting Documentation:
 - a. LOR w/UIF, dated 2 Nov 01
 - b. AF Form 366, dated 1 Nov 01
 - c. Art 15, dated 15 Oct 01
2. Receipt of Notification Letter