

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b>	<b>AFSN/SSAN</b> ██████████
--	--------------	--------------------------------

<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>NAME OF COUNSEL AND OR ORGANIZATION</b>		
<b>YES</b>	<b>No</b>	
	<b>X</b>	

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
					<b>X</b>
	<b>X</b>				
					<b>X</b>
					<b>X</b>
	<b>X</b>				

<b>ISSUES</b> <b>A94.05</b>	<b>INDEX NUMBER</b> <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
		<b>1</b>	<b>ORDER APPOINTING THE BOARD</b>
		<b>2</b>	<b>APPLICATION FOR REVIEW OF DISCHARGE</b>
		<b>3</b>	<b>LETTER OF NOTIFICATION</b>
		<b>4</b>	<b>BRIEF OF PERSONNEL FILE</b>
			<b>COUNSEL'S RELEASE TO THE BOARD</b>
<b>HEARING DATE</b> <b>05 Nov 2003</b>	<b>CASE NUMBER</b> <b>FD-2003-00354</b>	<b>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</b>	
		<b>TAPE RECORDING OF PERSONAL APPEARANCE</b>	

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

--

<b>INDORSEMENT</b>		<b>DATE: 11/07/2003</b>
<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	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2003-00354**

**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 nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh and feels that her contributions to the military and others outweighed her mistakes and errors in judgment. The records indicated the applicant received an Article 15 for failing to maintain her dormitory room free of dirt, dust and clutter. She also received three Letters of Reprimand for failing her room inspection and having an unauthorized guest stay in the room and for being late for work and lying about it. In addition, she received a Letter of Counseling and a Record of Individual Counseling for taking excessive breaks during the duty day and for failure to go. The majority of the DRB concluded 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 20 Dec 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 27 Dec 73. Enlmt Age: 19 3/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-92, E-68, G-88, M-63. PAFSC: 3C031 - Communications-Computer Systems Operations Journeyman. DAS: 10 Aug 93.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 Apr 93 for 4 yrs. Svd: 2 Yrs 8 Mo 5 Das, all AMS.

b. Grade Status: Amn - 16 Jun 95 (Article 15, 16 Jun 95)  
 A1C - 16 Sep 94  
 Amn - 16 Feb 94

c. Time Lost: None.

d. Art 15's: (1) 16 Jun 95, Offutt AFB, NE - Article 92. You, who knew of your duties, on or about 20 May 95, were derelict in the performance of your duties in that you failed to maintain your dormitory room free of dirt, dust and clutter, as it was your duty to do. Reduction to Airman, and 14 days restriction. (No appeal) (No mitigation)

e. Additional: LOC, 18 MAY 95 - Failure to go.  
 RIC, 16 MAY 95 - Excessive breaks during duty.  
 LOR, 15 MAY 95 - Late for work and lying.  
 LOR, 13 DEC 94 - Failed room inspection.  
 LOR, 15 NOV 93 - Failed room inspection and having an unauthorized guest stay in room.

f. CM: None.

g. Record of SV: 16 Apr 93 - 15 Dec 94 Offutt AFB 3 (Initial)REF

(Discharged from Offutt AFB)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (8) Mos (5) Das  
TAMS: (2) Yrs (8) Mos (5) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Jul 03  
(Change Discharge to Honorable)

Issue 1: I feel that my contributions to the military and others outweighed my mistakes and errors in judgement. (Please see letter for further explanation).

**ATCH**

1. Personal Statement to the Air Force Discharge Review Board.
2. Character Reference.

2SEP03/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 55TH WING (ACC)  
OFFUTT AIR FORCE BASE, NEBRASKA

FD 2003 - 00354

29 JUN 1995

MEMORANDUM FOR ██████████

FROM: AFGWC/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct--Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, 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. On or about 20 May 1995 you failed to maintain your dormitory room free of dirt, dust and clutter. For this incident you received nonjudicial punishment consisting of reduction to the grade of Airman effective 16 June 1995 and restriction to Offutt AFB for 14 days. (Atch 1-1)

b. On or about 18 May 1995 you failed to attend a mandatory sexual harassment briefing. For this incident you received a letter of counseling, dated 18 May 1995. (Atch 1-2)

c. On or about 15 May 1995 you went on break at 1930 hrs and you didn't return until 1950 hrs. You then went to lunch from 2000 hrs until 2030 hrs. You remained in the breakroom and the hardware maintenance shop failing to return to your duty station until 2200. For these incidents you received a letter of counseling, dated 16 May 1995. (Atch 1-3)

d. On or about 15 May 1995 you failed to report to your duty section on time. You also lied to your supervisor about your whereabouts. For these two incidents you received a letter of reprimand, dated 15 May 1995. (Atch 1-4)

e. On or about 13 December 1994 you failed to maintain the cleanliness of your bathroom. For this incident you received a letter of reprimand, dated 13 December 1994. (Atch 1-5)

f. On or about 12 November 1993 you failed a mandatory dormitory room inspection. It was also discovered that you violated Offutt AFB Regulation 90-1, by having an individual stay overnight. For these two incidents you received a letter of reprimand, dated 15 November 1993. (Atch 1-6)

*Global Power for America*

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 probably any other branch of the military.

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 [REDACTED] Area Defense Counsel, Bldg 323C, RM 302, Phone 4-3939, at 1500 hrs on 11 JULY 1995. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

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 6 July at 1600 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 55th Medical Group, Physical Exam Section at 0700 hrs/Part I and 1515 hrs/Part II on 6 July 1995 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208, attachment 2. A copy of AFI 36-3208 is available for your use in the unit orderly room.

8. Execute the acknowledgment provided and return to me immediately.

[REDACTED]

Commander, HQ Squadron

**Attachments:**

- Atch 1-1, Article 15, 16 June 1995
- Atch 1-2, LOC, 18 May 1995
- Atch 1-3, LOR, 16 May 1995
- Atch 1-4, LOC, 15 May 1995
- Atch 1-5, LOR, 13 December 1994
- Atch 1-6, LOR, 15 November 1993