

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE [REDACTED]	AFSN/SSAN [REDACTED]			
TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	RECORD REVIEW				
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES		No				
		<input checked="" type="checkbox"/>				
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES	A94.11 A94.55 A94.05	INDEX NUMBER	A67.00			
		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	30 Oct 2003	CASE NUMBER	FD-2003-00381			
			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						
Case heard at Washington, D.C.						
Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.						
SIGNATURE OF RECORDER [REDACTED]		SIGNATURE OF BOARD PRESIDENT [REDACTED]				
INDORSEMENT						
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-2003-00381

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel at Andrews AFB, MD on October 30, 2003.

The attached brief contains the 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.

The applicant's issues are listed in the attached brief.

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, a Letter of Reprimand, a Letter of Admonishment, and a Record of Individual Counseling for misconduct, most of which related to financial irresponsibility. Member's club account and deferred payment plan were both delinquent, resulting in wage garnishments. She was disrespectful to her First Sergeant, a Chief Master Sergeant, who stated in 10 years as a First Sergeant he had never come across anyone with a worse attitude or with as complete a failure to accept responsibility for their actions. Member took a 2.5 hour lunch break, and the following day was late to work. The most serious of her offenses involved failing to pay her telephone bill and then after her service was disconnected obtaining telephone services by false pretenses twice, and failing again to pay the resultant bills. Member was sent to financial counseling to assist in managing her financial matters but was evasive and uncooperative. Member's only Enlisted Performance Report was a referral "2" and noted her immaturity, lack of initiative, and difficulty adapting to the military environment. Member testified that events in the record didn't occur as represented by the record, and she provided an explanation for each instance. The Board didn't find applicant's testimony credible and opined that through the unit's 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, and the characterization of discharge received by the applicant was appropriate.

Issues 2 & 3. Applicant felt her supervisor and First Sergeant acted unprofessionally toward her, and that she was not treated fairly during her Article 15 and discharge processing. The record reflects that member had access to and did consult counsel regarding both the Article 15 and the discharge action and was given her full due process. The record thoroughly documents the reasons for the discharge, and applicant's testimony to the contrary was not compelling. Additionally, applicant could not clearly articulate a reason why she felt her chain of command was making an example of her, only that she was unfairly summarily discharged. The Board found these contentions without merit and no basis for an upgrade.

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/change of reason for discharge and change of RE code, 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 19 Jun 98 UP AFI 36-3208, para 5.50.1 (Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 7 Jan 75. Enlmt Age: 21 2/12. Disch Age: 23 5/12. Educ:HS DIPL. AFQT: N/A. A-51, E-44, G-32, M-18. PAFSC: 3S031 - Personnel Apprentice. DAS: 23 Nov 96.

b. Prior Sv: (1) AFRes 12 Mar 96 - 30 Jul 96 (4 Months 19 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AMN 31 Jul 96 for 4 yrs. Svd: 1 Yr 10 Mos 20 Das, all AMS.

b. Grade Status: AMN - 16 Apr 98 (Article 15, 16 Apr 98)
A1C - 31 May 97

c. Time Lost: None.

d. Art 15's: (1) 16 Apr 98, Columbus AFB, MS - Article 134. You, did, between on or about 11 Apr 97 and on or about 16 Dec 97, with intent to defraud, falsely pretend, to Bell South Telecommunications that you were [REDACTED], then knowing that the pretenses were false, and by means thereof did wrongfully obtain from Bell South Telecommunications services, of a value of about \$396.57, to wit: telephone services. You, did, between on or about 8 Dec 97 and on or about 4 Feb 98, with intent to defraud, falsely pretend, to Bell South Telecommunications that you were [REDACTED], then knowing that the pretenses were false, and by means thereof did wrongfully obtain from Bell South Telecommunications services, of a value of about \$144.06, to wit: telephone services. You, being indebted to Bell South Telecommunications in the sum of \$396.57 for telephone services, which amount became due and payable on or about 16 Dec 97, did, between on or about 16 Dec 97 and on or about 8 Apr 98, dishonorably fail to pay said debt. You, being indebted to Bell South Telecommunications in the sum of \$144.06 for telephone services, which amount became due and payable on or about 4 Feb 98, did, between on or about 4 Feb 98 and on or about 8 Apr 98, dishonorably fail to pay said

debt. Reduction to AMN, and suspended reduction to AB.
(Appeal/Denied) (No mitigation)

e. Additional: LOR, 2 JUN 98 - Late for work and unauthorized extended
lunch break.
AFEES LTR, 12 MAY 98 - Financial irresponsibility.
LOA, 7 MAY 98 - Disrespectful and rude to First Sergeant.
RIC, 30 JAN 98 - Financial irresponsibility.
TRAFFIC TICKET, 14 DEC 96 - Speeding on base.

f. CM: None.

g. Record of SV: 31 Jul 96 - 30 Mar 98 Columbus AFB 2 (Initial) REF
(Discharged from Columbus AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (3) Mos (8) Das
TAMS: (1) Yrs (10) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Aug 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. Applicant's Letter.
2. Congressional Inquiry.

8 Sep 03/cr

10. Article 15, 16 Apr 98
11. 14 SFS ROI, 9 Mar 98
12. Memo, BellSouth Security, 12 Mar 98
13. BellSouth Invoice, 16 Dec 97
14. BellSouth Invoice, 16 Jan 98
15. Admonishment, 7 May 98
16. MFR, 6 May 98
17. LOR, 2 Jun 98
18. Memo, 48 FTS/CC, 4 Mar 98
19. Memo, 14 MSS/DPF, 20 Mar 98
20. Memo, 14 MSS/DPF, 21 Apr 98 w/atc
21. Memo, 48 FTS/CC, 15 May 98
22. Memo, 14 MSS/DPF, 19 May 98
23. Airman's Receipt of Notification Memorandum