

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE [REDACTED]	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	No	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
ISSUES A94.05	INDEX NUMBER A67.30	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 20 Nov 2003	CASE NUMBER FD-2003-00386		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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR						
SIGNATURE OF RECORDER [REDACTED]		[REDACTED]				
INDORSEMENT				DATE: 11/21/2003		
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				

GENERAL: The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code 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. The records indicated the applicant received an Article 15 for stealing \$766.00 from the Charleston AFB Bowling Alley. She also received a Letter of Admonishment and two Records of Individual Counseling for being disrespectful to an NCO, leaving her assigned job, being disrespectful to a Senior Airman and for disobeying a direct order. The DRB opined 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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 27 Feb 01 UP AFI 36-3208, 5.52.3, 5.11 AND 5.11.1 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 31 Mar 78. Enlmt Age: 19 0/12. Disch Age: 22 10/12. Educ: HS DIPL. AFQT: N/A. A-59, E-58, G-39, M-37. PAFSC: 2A651A - Aerospace Propulsion. DAS: 11 Sep 97.

b. Prior Sv: (1) AFRes 8 Apr 97 - 29 Apr 97 (22 days) (Inactive).

(2) Enlisted as AB 30 Apr 97 for 4 yrs. Svd: 3 yrs 3 months 3 days, all AMS. A1C - 30 Aug 98. SrA - 30 Apr 00. EPRs: 4,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 3 Aug 00 for 6 yrs. Svd: 0 Yrs 6 Mo 24 Das, all AMS.

b. Grade Status: AMN - 24 Jan 01 (Article 15, 24 Jan 01)

c. Time Lost: None.

d. Art 15's: (1) 24 Jan 01, Charleston AFB, SC - Article 121. You, did, on or about 21 Sep 00, steal about \$766.00, the property of the Charleston AFB Bowling Alley. Reduction to Airman, forfeiture of \$350.00 pay per month for two months, 45 days restriction, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOA, 29 APR 01 - Disrespect to an NCO.
RIC, 21 NOV 98 - Leaving assigned job and disrespect to a SrA.
RIC, 05 DEC 97 - Disobeying a direct order.

f. CM: None.

g. Record of SV: None.

(Discharged from Charleston AFB)

h. Awards & Decs: AFTR, AFOUA W/1 DEV, AFGCM.

i. Stmt of Sv: TMS: (3) Yrs (10) Mos (20) Das

TAMS: (3) Yrs (9) Mos (29) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 7 Aug 03.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I am asking for my discharge to be upgraded so I can serve my country once more. I cannot go back unless my re-enlistment code is upgraded. I have went(sic) to Army and Navy recruiters and they told me to try this and they will help me. I loved being in the service. I will do anything to be able to wear the uniform again. I messed up once and I accept full responsibility for what I did. I have not been in any trouble since then, I lost my AF career for my dumb decision. I got an Article 15 and served punishment and then I was separated. I'm asking for a chance to be able to go back in the service, and the only way I can is too (sic) get the discharge upgraded. I have been out since March 2001. I have corrected my mistake. I have a clean record. Please give me a chance to have a career and prove to myself one mistake won't stop me or hold me down. Thanks for your time. Also, I did well at my job and got an achievement medal. Also, I got punished for my mistake by getting an Article 15. I lost 2 stripes and got 45 days extra duty and was restricted to CAFB. What I don't understand is why after my Article 15 why did I get seperated (sic) for the same thing? I feel like I was punished twice. I feel that by serving punishment for the Article 15, I was punished enough. Please look into this and give me a chance to serve again. I just don't believe I should have been seperated (sic) if my commander had punished me already for the same thing. Again, thank you. I have no copies of my Article 15, please review my records.

ATCH

1. DD Form 214.
2. AF Form 100.
3. Enlisted Performance Report.
4. Air Force Achievement Medal.

9SEP03/ia

FD 2003-00386



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 437TH AIRLIFT WING (AMC)

MEMORANDUM FOR [REDACTED] 15 Feb 01

FROM: 437 AGS/CC

SUBJECT: Amended - Notification Memorandum

1. I am amending my recommendation for your discharge from the United States Air Force for a Commission of a Serious Offense, specifically, Other Serious Offenses, and for a Condition that Interferes with Military Service, specifically a Mental Disorder. The authority for this action is AFI 36-3208, paragraphs 5.52.3, 5.11 and 5.11.1. If my recommendation is approved, your service will be characterized as general.


2. My reasons for this action are:

a. On or about 21 Sep 00, you committed larceny. Specifically, you stole \$766.00, from the Charleston Air Force Base Bowling Alley. For this conduct, you received an Article 15 w/atchs, dated 24 Jan 01, which included punishment of reduction to the grade of airman (from senior airman); forfeiture of \$350 pay per month for two months; restriction to Charleston AFB, SC for 45 days; and 45 days extra duty (Atch 1a).

b. On 5 Jan 01, [REDACTED] Charleston AFB, diagnosed you IAW DSM IV, with an Adjustment Disorder with Depressed Mood (Axis I: 309.0) and a Personality Disorder Not Otherwise Specified with schizoid and compulsive features (Axis II: 301.9). In his 9 Jan 01 memorandum to the 437 AGS/CC, [REDACTED] stated that your disorder "is so severe" that your "ability to function effectively in the military environment is significantly impaired" and, thus recommended that you be separated from the Air Force. These facts are evidenced by the Results of Mental Health Evaluation w/atchs, dated 9 Jan 01. Also attached is a 9 Mar 98 memorandum from [REDACTED] concerning results of your mental health evaluation. In his 9 Mar 98 memorandum your were diagnosed as Axis I, No diagnosis, and Axis II, Personality Disorder Not Otherwise Specified, 301.9, with schizoid and compulsive features (Atch 1a).

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. 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. An appointment will be made for you to consult the Area Defense Counsel, 963-4416, Building 503, Room 119, upon issuance of this notification. You may consult civilian 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 by 21 Feb 01 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 on your own behalf, your failure will constitute a waiver of your right to do so.
7. You have been scheduled for a separation briefing at Personnel Relocations, Bldg. 503, at N/A on _____.
8. You have been scheduled for a medical examination. You must report to 437th Medical Group, Physical Exams at N/A on _____ for the examination.
9. Your Transition Assistance Briefing is scheduled at N/A on _____ in the Family Support Center (Bldg. 255) with .
10. 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 437th Aircraft Generation Squadron Orderly Room.
11. Execute the attached acknowledgment and return it to me immediately.



Commander

Attachments:

1. Documents Supporting Basis for Discharge
 - a. Article 15 w/atchs, dated 24 Jan 01
 - b. Results of Mental Health Evaluation ltr w/atchs, dated 9 Jan 01
2. Additional Derogatory Data
 - a. Letter of Admonishment w/atch, dated 29 Apr 99
 - b. Record of Individual Counseling w/atch, dated 21 Nov 98
 - c. Record of Individual Counseling w/atchs, dated 5 Dec 97
3. Airman's Receipt of Notification Memo