

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██		GRADE AIC	AFSN/SSAN ████████████████			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING <div style="border: 1px dashed black; height: 150px; width: 100%;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A94.05	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			
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
			TAPE RECORDING OF PERSONAL APPEARANCE			
HEARING DATE 16 Jan 2004	CASE NUMBER FD-2003-00471					
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						
INDORSEMENT				DATE: 01/15/2004		
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-2003-00471

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 are denied.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received four Letters of Reprimand and eight Letters of Counseling for being late for duty numerous times, dereliction of duty several times, financial irresponsibility, failure to go, violation of safety practices, unauthorized use of her government credit card and conduct unbecoming an airman. 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. Applicant states that her discharge did not take into account the good things she did while in the service. The DRB took note of the applicant's duty performance as documented by her performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons that were the basis for this case. 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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 2 Jun 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 13 May 74. Enlmt Age: 18 5/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-68, E-92, G-92, M-77. PAFSC: 4A131 - Medical Materiel Apprentice. DAS: 26 May 93.

b. Prior Sv: (1) AFRes 15 Oct 92 - 22 Feb 93 (4 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Feb 93 for 4 yrs. Svd: 2 Yrs 3 Mo 11 Das, all AMS.

b. Grade Status: A1C - 23 Jun 94
Amn - 23 Aug 93

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 29 MAR 95 - Conduct unbecoming an airman, dereliction of duty, and several failures to go.
RIC, 13 MAR 95 - Late for work.
RIC, 11 FEB 95 - Conduct unbecoming an airman.
RIC, 05 DEC 94 - Unauthorized use of government credit card.
RIC, 27 MAY 94 - Violation of safety practices.
LOR, 05 APR 94 - Failure to go.
RIC, 29 MAR 94 - Late for duty.
RIC, 21 MAR 94 - Dereliction of duty.
LOR, 24 JAN 94 - Financial irresponsibility.
RIC, 23 AUG 93 - Late for duty.
LOR, 03 NOV 93 - Dereliction of duty.
RIC, 15 SEP 93 - Late for duty.

f. CM: None.

g. Record of SV: 23 Feb 93 - 22 Oct 94 Mac Dill AFB 1 (Initial)REF

(Discharged from Mac Dill AFB)

h. Awards & Decs: AFTR, NDSM, BMTR.

i. Stmt of Sv: TMS: (2) Yrs (7) Mos (19) Das
TAMS: (2) Yrs (3) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Sep 03.

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.

4NOV03/ia

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved
OMB No. 0704-0004
Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one)	<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
[REDACTED]	E-3		[REDACTED]		

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 1995 Jun 02	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)	5. BOARD ACTION REQUESTED (X one)
	<input type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION [REDACTED]	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)	<input checked="" type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO: Member Requested
<input type="checkbox"/> UNCHARACTERIZED		
<input type="checkbox"/> OTHER (Explain)		

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)
I respectfully request an upgrade of my discharge to "Honorable" and a change to the narrative reason for separation to "Member Requested" so that I will be eligible for the GI Bill benefits I had financially invested in while serving on Active Duty and so that there is no misinformation provided regarding the circumstances surrounding my discharge.
(continued in Item 14 as directed)

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)
Copy of DD Form 214 reflecting awards/ribbons received prior to my station at MacDill AFB.
I attempted to obtain copies of documentation supporting my claims regarding the court martial and IG claim from the ADC and the IG at MacDill but was informed that these records are only maintained for three years. Therefore, the documents were destroyed in approximately 1998. END

9. TYPE OF REVIEW REQUESTED (X one)
 CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.
 I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
 I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS (See item 10 of the instructions about counsel/representative.) N/A	b. TELEPHONE NUMBER (Include Area Code) N/A
	c. E-MAIL N/A
	d. FAX NUMBER (Include Area Code) N/A

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.) [REDACTED]	b. TELEPHONE NUMBER (Include Area Code) [REDACTED]
	c. E-MAIL [REDACTED]
	d. FAX NUMBER (Include Area Code) [REDACTED]

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. SIGNATURE - REQUIRED (Applicant or person in item 11 above) [REDACTED]	b. DATE SIGNED - REQUIRED (YYYYMMDD) [REDACTED]	CASE NUMBER (Do not write in this space.)
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SCANNED

14. CONTINUATION OF ITEM 6, ISSUES (If applicable)

I had graduated from Basic Training with Honors, a feat not easily accomplished, due to my dedication to the quality of service that I provided. I was then selected as a group leader (aka a "rope") in Technical Training at Sheppard AFB for continued excellence. Following my station at both Lackland AFB and Sheppard AFB, both in Texas, I was stationed at MacDill AFB in Florida. I was placed under the supervision of SSgt ██████████ in Medical Logistics. During my service under SSgt ██████████ I noticed that he seemed to harrass me. He issued me written warnings on two or three occasions for a failure to finish a self test in my study book during my studies (a step not required in the manual), despite the fact that I tested very highly on the required test. The culmination of this harrassment ended when SSgt ██████████ attempted to issue me an Article 15 for failure to obey a direct order on two counts. Those two counts being 1) Failure to take out the trash before leaving for the day, and 2) Failure to place medical supplies to be delivered to the hospital on two carts instead of one. It was never mentioned in Article 15 that I had arrived prior to my shift beginning the next morning to remove the refuse or that the medical supplies to be delivered to the hospital would not fit on one card and therefore, had to be placed on two carts.

(continued on additional paper included as the third and fourth pages of this document)

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

NONE

16. REMARKS (If applicable)

NONE

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

<p align="center">ARMY</p> <p>Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)</p>	<p align="center">NAVY AND MARINE CORPS</p> <p>Naval Council of Personnel Boards 720 Kennon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023</p>
<p align="center">AIR FORCE</p> <p>Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p align="center">COAST GUARD</p> <p>U.S. Coast Guard Commandant (G-WPM) 2100 Second Street, S.W. Room 5500 Washington, DC 20593</p>

CONTINUATION OF ITEMS 6 AND 14, ISSUES

I was referred to the ADC regarding the Article 15 and was advised that if I refused to sign the Article 15 that I would possibly be brought to a court martial. However, if I was brought to a court martial, that an individual who was an outsider to the situation would decide my status, and not a buddy of SSgt [REDACTED] who worked in Hospital Administration.

I declined the Article 15 and was brought to a court martial at MacDill AFB. A Colonel from Homestead AFB was assigned to preside. At the end of two days of testimony, I was acquitted of both charges raised against me in the Article 15.

Instead of returning to my department in Medical Logistics, as 'punishment' for standing up for myself against the bogus Article 15 charges, I was made to be a secretary in the Medical Equipment Repair Office. Despite the fact that SSgt [REDACTED] was no longer supervising me or my work, he was allowed to write my enlisted performance report a few months later. He rated me a '1' out of a possible '5.' I was quite upset as I felt this was in retaliation for refusing to accept the Article 15 and my being acquitted in a court martial.

At this point I was very distraught as I truly felt that SSgt [REDACTED] had it 'out for me' for some reason, maybe it was because I was one of the first females he had supervised. He had let me know on more than one occasion that 'his' warehouse was no place for a female.

I turned to the Inspector General at MacDill AFB and filed a complaint against SSgt [REDACTED] for harassment. An investigation was conducted and the IG determined that all my claims were substantiated. I was immediately placed back in my department of Medical Logistics and was placed under the supervision of another enlisted officer, I believe his last name was [REDACTED].

After my ordeal, I realized that this was not the United States Air Force I had signed on for and hoped to serve in. It was not a place of equality, it was a place where those in power could wield it in an unfair manner if it suited them. I had served brilliantly through Basic Training (as is evidenced by my receipt of the Honor Graduate ribbon) and through Technical Training (as is evidenced by being assigned as a student leader there) and I could not understand how, once I was placed under the supervision of SSgt [REDACTED] all that had changed, even though my behavior and performance had not.

Therefore, I approached the First Sargent in the Hospital Administration and requested that I be released from Active Duty. I presented my case to him (which he was aware of during my court martial and the IG investigation) and he agreed to release me. I was processed out of the USAF a few weeks later.

I believed that since I had not completed my full four years I would never be eligible for my GI Bill benefits. And as my discharge status was listed as "under honorable conditions" it showed that I had not been discharged for a "negative" reason. It was not until I had lunch with a retired USAF enlisted officer about two months ago that I found I would be eligible for those benefits and that I could appeal the status of my discharge. I set to researching the matter and found that my narrative reason for discharge was listed as "misconduct" and found this to be misinformation. I had not been discharged for misconduct as the only offense worthy of an administrative discharge for misconduct would have been the Article 15 and/or if I had been found guilty in the court martial. I had not, I was acquitted, therefore, there was no misconduct. I had requested my discharge, this was not on the part of the USAF.

I respectfully request that you review my official record and find that, aside from complaints raised by SSgt [REDACTED] who was found by the USAF IG to have been harassing me, that I had an above average record. I also respectfully request that you change the status of my discharge to "Honorable" and that the narrative reason for separation be changed to "Member Requested" as that is the true nature of the situation.

Thank you most graciously for your time and consideration,

[REDACTED]

END



DEPARTMENT OF THE AIR FORCE
6TH AIR BASE WING (ACC)
MACDILL AIR FORCE BASE, FLORIDA

23 MAY 1995

MEMORANDUM FOR AIC [REDACTED]

FROM: 6 MDSS/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, 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 11 Feb 95 and on or between 13 Mar 95, you had conduct unbecoming an airman, dereliction of duty, and several failures to go to your appointed place of duty at the appointed time, as evidenced by a Letter of Reprimand dated 29 Mar 95, Records of Individual Counseling dated 13 Mar 95 and 11 Feb 95 and an Unfavorable Information File Action dated 11 May 95, with attachments.

b. You knowingly used your [Government] [REDACTED] card for personal reasons not related to an official Air Force TDY, as evidenced by a Record of Individual Counseling dated 5 Dec 94.

c. On or about 21 Jul 94, and 26 Jul 94, you were late returning to your duties after making deliveries, as evidenced by a Memo for Record dated 27 Jul 94.

d. On 23 May 94, you violated safety practices concerning the use of the stock picking ladder, resulting in injury, as evidenced by a Record of Individual Counseling dated 27 May 94.

e. On 25 May 94, you violated a quarters order in that you were not in your room as ordered, as evidenced by a Memo for Record dated 26 May 94 with attachment.

f. On 24 Mar 94, you failed to go at the time prescribed to your appointed place of duty, to wit: the 6 MG Medical Warehouse, 2121 Emergency Drive (bldg 696), MacDill AFB FL, as evidenced by a Letter of Reprimand dated 7 Apr 94 with attachments.

g. On 29 Mar 94, you reported to duty late, as evidenced by a Record of Individual Counseling dated 29 Mar 94, with attachment.

h. On or about 24 Mar 94, you failed to complete your duties as assigned, as evidenced by a Record of Individual Counseling dated 21 Mar 94.

i. On or about 3 and 4 Dec 93, you issued 2 checks to AAFES, MacDill AFB FL in the amount of \$7.16 and \$27.95, for which you failed to maintain sufficient funds in your account, as evidenced by a Letter of Reprimand dated 24 Jan 94 with attachments.

j. You were overdue on your AAFES account, as evidenced by a Memo for Record dated 28 Dec 93, with attachment.

k. From the period 20 Oct 93 to 29 Oct 93, you demonstrated a lack of acceptable performance in your temporary duties as medical warehouse person, as evidenced by a Letter of Reprimand dated 3 Nov 93, later mitigated to a Letter of Counseling as evidenced by a Memo for Record date 18 Nov 93 with attachments.

l. On 15 Sep 93, you reported to work at 0815 hours, when your duty hours are 0730 - 1630 hours, as evidenced by a Record of Individual Counseling dated 15 Sep 93.

m. On 23 Aug 93, you were late for duty, as evidenced by a Record of Individual Counseling dated 23 Aug 93.

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 and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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 Capt [REDACTED] at Hangar 4, on 23 MAY 1995 at 0900 hours. You may consult civilian counsel at your own expense.

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 26 May 95 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 6th Medical Group Hospital, at 0645 hours on 22 MAY 1995 for the examination.

7. 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 in the Orderly Room.


Colonel, USAF
Commander, 6th Medical Support Squadron

14 Atchs

1. Rcpt of Notification
2. UIF Action dtd 11 May 95 w/atchs
3. AF Form 174 dtd 5 Dec 94
4. MFR dtd 27 Jul 94
5. AF Form 174 dtd 27 May 94
6. MFR dtd 26 May 94 w/atch
7. LOR dtd 7 Apr 94 w/atchs
8. AF Form 174 dtd 29 Mar 94
9. AF Form 174 dtd 21 Mar 94
10. LOR dtd 24 Jan 94 w/atchs
11. MFR dtd 28 Dec 93 w/atch
12. MFR dtd 18 Nov 93 w/atch
13. AF Form 174 dtd 15 Sep 93
14. AF Form 174 dtd 23 Aug 93