

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██			GRADE AB		AFSN/SSAN ████████████████████			
TYPE GEN		PERSONAL APPEARANCE			X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			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 A95.00 A01.00		INDEX NUMBER A67.50		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-2003-00489						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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: 1/16/2004				
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-2003-00489

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: The applicant submitted no issues and requested that the review be completed based on the available service record. 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. The records indicated applicant received three Articles 15, and three Letters of Reprimand. The misconduct included lack of military bearing, unprofessional attitude, dereliction of duty, disrespectful to a noncommissioned officer, arguing and creating a disturbance in the workplace, failure to obey an order, lying, and physical assault. 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 Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 30 JUL 01 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Jun 80. Enlmt Age: 19 1/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-87, E-35, G-41, M-13. PAFSC: 1C032 - Operations Resource Management Apprentice. DAS: 12 Feb 00.

b. Prior Sv: (1) AFRes 4 Aug 99 - 19 Oct 99 (2 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 20 Oct 99 for 4 yrs. Svd: 1 Yrs 9 Mo 11 Das, all AMS.

b. Grade Status: AB - 20 Oct 00 (Vacation of Article 15, 1 Mar 01)
Amn - 20 Apr 00

c. Time Lost: None.

d. Art 15's: (1) 7 Mar 01, RAF Lakenheath, UK - Article 92. You, having knowledge of a lawful order issued by SMSgt [REDACTED], not to have any contact with SrA [REDACTED], an order which it was your duty to obey, did, at or near Cambridge, United Kingdom, on or about 16 Feb 01, fail to obey the same by wrongfully having contact with SrA Forrest. Thirty days extra duty. (No appeal) (No mitigation)

(2) 1 Mar 01, Vacation, RAF Lakenheath, UK - Article 92. You, having knowledge of a lawful order issued by SMSgt [REDACTED], not to have any contact with SrA [REDACTED], an order which it was your duty to obey, did, at or near Cambridge, United Kingdom, on or about 16 Feb 01, fail to obey the same by wrongfully having contact with SrA Forrest. Reduction to AB. (No appeal) (No mitigation)

(3) 20 Oct 00, RAF Lakenheath, UK - Article 128. You did, on or about 30 Sep 00, unlawfully strike SrA [REDACTED] on his mouth with your hand. Article 134. You, were, on or about 30 Sep 00, disorderly. Suspended reduction to AB, and 21 days extra duty. (No appeal) (No mitigation)



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

JUL 05 2001

MEMORANDUM FOR AB [REDACTED], 492 FS

FROM: 492 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, under the provisions of paragraph 5.50. 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, Building 943, Room 106, on or about 11 Jun 01, you, having knowledge of a lawful order issued by Senior Master Sergeant [REDACTED] not to have any contact with Senior Airman [REDACTED] an order which it was your duty to obey, did fail to obey the same by wrongfully having contact with SrA [REDACTED]. For this you received a Letter of Reprimand.

b. At or near Cambridge, UK, on or about 16 Feb 01, you, having knowledge of a lawful order issued by Senior Master Sergeant [REDACTED] not to have any contact with Senior Airman [REDACTED] an order which it was your duty to obey, did fail to obey the same by wrongfully having contact with SrA [REDACTED]. For this you received Nonjudicial Punishment and Vacation of a Suspended Punishment.

c. At or near RAF Lakenheath, UK, on or about 12 Jan 01, you, who knew of your duties were derelict in the performance of those duties in that you negligently failed to maintain your military bearing, discipline and professionalism in the work place as it is your duty to do. For this you received a Letter of Reprimand.

d. At or near RAF Lakenheath, UK, on or about 6 Nov 00, you were disrespectful in language to Senior Master Sergeant [REDACTED] a noncommissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of his office, by saying to him, "I refuse to clean the freezer because it is nasty, I have been doing bullshit jobs for the past 2 weeks and I am tired of it and that I would go to jail, but I am not cleaning that freezer," or words to that effect. For this you received a Letter of Reprimand.

e. At or near RAF Lakenheath, UK, on or about 30 Sept 00, you did, strike Senior Airman [REDACTED] on his mouth with your hand. For this you received Nonjudicial Punishment.

f. At or near RAF Lakenheath, UK, on or about 30 Sept 00, you were disorderly. For this you received the same Nonjudicial Punishment as e, *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, 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel, Captain [REDACTED], Area Defense Counsel, can be reached at DSN 226-[REDACTED]. An appointment has been scheduled for you to consult with him on 6 July 2001 at 0900 hrs. 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 10 Jul 01 / 1100 hrs 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. The separation authority will make the findings and recommendations required under 10 U.S.C. (g).

10. Sign the attached acknowledgment and return it to me immediately.

[REDACTED]

[REDACTED], Lt Col, USAF
Commander

Attachments:

1. Supporting Documentation:

- a. LOR, dtd 14 Jun 01
- b. Article 15, dtd 7 Mar 01
- c. Vacation Action, dtd 1 Mar 01
- d. LOR, dtd 16 Jan 01
- e. LOR, dtd 7 Nov 01
- f. Article 15, dtd 20 Oct 00
- g. No Contact Order, dtd 2 Oct 00

2. Receipt of Notification Letter