

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE AMN	AFSN/SSAN ██████████			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBERS 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	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A94.11 A93.33	A67.10	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	CASE NUMBER					
23 Jan 2004	FD-2003-00529					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard at Washington, D.C.</p> <p>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.</p> <div style="border: 1px dashed black; height: 50px; width: 100%; margin-top: 20px;"></div>						
ENDORSEMENT			DATE			
TO:	FROM:					
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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-2003-00529

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change her 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 and change of reenlistment code are 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.

Issues. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received two Articles 15, two Letters of Reprimand, three Letters of Counseling, and two Records of Individual Counseling for misconduct. Her infractions included dormitory room inspection failures, failure to complete training requirements, insubordination and disrespectful conduct toward her First Sergeant, failure to obey direct orders, and numerous instances of dereliction of duty. Applicant contends her chain of command "hassled" her and disciplined her unnecessarily because she was unhappy in her career field and wanted to cross-train. The records review disclosed nothing to substantiate this contention and the Board found it to be without merit. The Board noted applicant had received three Enlisted Performance Reports, two of which were "referrals." The reports noted she was a marginal performer, lacked initiative and attention to detail, and failed to meet proficiency in core tasks. The DRB opined that through the unit's many administrative actions, the applicant had ample opportunities to change her negative behavior but failed to avail herself of these. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge received by the applicant was found to be appropriate. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

Applicant cited her desire to return to military service as justification for upgrade. While the Board commends applicant on this desire and is sympathetic to the impact her reenlistment code on the applicant, this is not a matter of inequity or impropriety that warrants 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 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

FD2003-00529

[REDACTED]
[REDACTED]
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 27 May 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and Change to Reentry Code.

2. **BACKGROUND:**

a. DOB: 17 MAY 81. Enlmt Age: 17 0/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-50, E-30, G-46, M-45. PAFSC: 1C052 - Aviation Resource Management Journeyman. DAS: 22 Nov 99.

b. Prior Sv: (1) AFRes 21 Dec 98 - 3 Aug 99 (7 Months 13 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 4 Aug 99 for 4 yrs. Svd: 3 Yrs 9 Mos 23 Das, all AMS.

b. Grade Status: AMN - 28 Apr 03 (Article 15, 28 Apr 03)
A1C - 4 Dec 00
AMN - 4 Feb 00

c. Time Lost: None.

d. Art 15's: (1) 28 Apr 03, Fairchild AFB, WA - Article 92. You, who knew of your duties, from on or about 28 Mar 03 to on or about 14 Apr 03, were derelict in the performance of those duties in that you willfully failed to complete your assigned duties in accordance with applicable instructions, as it was your duty to do. Reduction to AMN. (No appeal) (No mitigation)

(2) 23 Oct 02, Fairchild AFB, WA - Article 92. You, who knew of your duties, on divers occasions between on or about 24 Sep 02 and on or about 4 Oct 02, were derelict in the performance of those duties in that you willfully failed to pick up AF Forms 1042s from the Flight Surgeon's Office, as it was your duty to do. 30 days correctional custody. (No appeal) (No mitigation)

e. Additional: LOC, 14 MAR 03 - Failed dormitory room inspection.
LOC, 11 MAR 03 - Failure to obey several direct orders and dereliction of duty.
LOC, 10 JAN 03 - Failure to obey a direct order and dereliction of duty.
LOR, 24 JUL 02 - Dereliction of duty.
RIC, 03 MAY 02 - Failure to obey a direct order.

LOR, 06 FEB 02 - Failed dormitory room inspection,
insubordination, and disrespectful conduct
towards first sergeant.
RIC, 23 JAN 02 - Failure to complete training requirements.

f. CM: None.

g. Record of SV: 4 Aug 99 - 3 Apr 01 Fairchild AFB 3 (Initial) REF
4 Apr 01 - 3 Apr 02 Fairchild AFB 4 (Annual)
4 Apr 02 - 3 Apr 03 Fairchild AFB 2 (Annual) REF

(Discharged from Fairchild AFB)

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

i. Stmt of Sv: TMS: (4) Yrs (5) Mos (6) Das
TAMS: (3) Yrs (9) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 1 Oct 03.
(Upgrade Discharge to Honorable and Change to Reentry Code)

Issue 1: I served 3 yrs and 10 months in the Air Force as an operation resource management airman. At the end of my enlistment I wanted to crosstrain into the SERE instructor career field. I put all my efforts into this. A desk job was not my strength. I felt I had more to offer the military and myself as an airman. I received a General Under Honorable conditions discharge simply for minor disceplenary (sic) reasons. Things such as dorm room failure, and forgetting to pick up certain forms (which was not just my job alone - I was not the only one in the shop) But I felt like since my supervisor knew I wanted to crosstrain it seemed like they were giving me a lot of hassle and I was being disciplined for everything. When all I wanted to do was stay in the military - but simply cross train into a job I would do 100% better and enjoy doing. That was entitled to me after serving the term I served. I want to stay in the military and be in a job that I'm good at. Thats (sic) all I ask. I can not (sic) join another branch simply because of the seperation (sic) code I have. I love the military and would love nothing more than a second chance at serving. I am 22 years old and feel like the only true family I have is the military. I will do whatever it takes in any branch of the service to ensure I excel at the job I chose. Thank you for your time and consideration.

ATCH

1. Airman of the Quarter.
2. Volunteer Certificate.
3. DD Form 214.

17 Dec 03/cr



(FD2003-00529

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 92D AIR REFUELING WING (AMC)
FAIRCHILD AIR FORCE BASE WASHINGTON

MEMORANDUM FOR Amn [REDACTED]

13 MAY 03

FROM: 92 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions in accordance with 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 recommend your service be characterized as general.

2. My reasons for this action are:

a. On or about 16 Jan 02 and 18 Jan 02, you were sat down with your supervisor and discussed the importance of actively being a participant of the training program and to pursue and intensive and aggressive program to get you upgraded. On or about 23 Jan 02, you were asked if you studied the material that was covered. You replied that you didn't have time because you visited a friend. Prior to this, you were given a few lessons for you to re-enforce what you learned and you did not complete them. For these actions, you received a record of individual counseling dated 23 Jan 02.

b. On or about 5 Feb 02, you failed to obey a direct order by not having your dormitory room in inspection order. On 4 Feb 02, you were counseled on your responsibility to maintain government quarters while "ghosting". You were given ample time and opportunity to have your dorm room up to standards. You also displayed insubordinate and disrespectful conduct toward MSgt [REDACTED], the First Sergeant, during a uniform inspection. For these actions, you received a letter of reprimand dated 6 Feb 02.

c. On or about 3 May 02, you failed to pick up the 1042s and request a DNIF roster as ordered. For these actions, you received a record of individual counseling dated 3 May 02.

d. On or about 12 Jul 02, you were derelict in your duties in that you failed to perform your required duties prior to departing for leave. Five AF Form 1042s and two Military Pay Orders were not filed. Four Aeronautical Orders were not distributed and filed. One aircrew member's record was not in processed into the Aviation Resource Management System. For these actions, you received a letter of reprimand dated 24 Jul 02.

e. You, who knew of your duties at or near Fairchild AFB WA, on divers occasions between on or about 24 Sep 02 and on or about 4 Oct 02, were derelict in the performance of those duties in that you willfully failed to pick up Air Force Form 1042s from the Flight Surgeon's Office, as it was your duty to do. For this action, you received an Article 15 dated 23 Oct 02. The punishment included 30 days correctional custody.

f. On or about 2 Jan 03, you failed to complete the end of month mismatch browser and file all items in your file bin before going on leave as you were ordered to do. For this action, you received a letter of counseling dated 10 Jan 03.

g. On or about 7 Jan 02, 11 Mar 02, 13 Dec 02, 15 Jan 03, and 24 Feb 03, you were directed to have all Aeronautical Orders (AOs), in processed flight and jump record folders reviewed by SSgt [REDACTED] before turning the AOs in to MSgt [REDACTED] or filing the records. This has not been done consistently, which has caused many errors on the AOs, to include 4 AOs not signed before being distributed. For these actions, you received a letter of counseling dated 11 Mar 03.

h. On or about 12 Mar 03, you failed to maintain your government quarters by not having your dorm room ready for inspection. For this action, you received a letter of counseling dated 14 Mar 03.

i. You, who knew of your duties at or near Fairchild AFB WA, from on or about 28 Mar 03 to on or about 14 Apr 03, were derelict in the performance of those duties in that you willfully failed to complete your assigned duties in accordance with applicable instructions, as it was your duty to do. For this action, you received an Article 15 dated 28 Apr 03. The punishment included the reduction to the grade of Amn.

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.

4. 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 SSgt [REDACTED] / Cpt [REDACTED] Area Defense Counsel, at 247-2918 for an appointment on 13 May 03 at 1300. You may consult civilian counsel at your own expense.

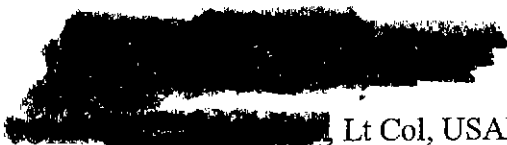
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 16 May 03 LCB unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You are scheduled for a medical examination with ^{Flight Medicine} Family Practice on 15 May at 1000 hrs. Report 30 minutes prior to your appointment to Physical Exams to complete a DD form 2697. Ensure that you complete this form prior to your appointment. Complete all follow up appointments.

8. 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 your unit orderly room.

9. Execute the attached acknowledgment and return it to me immediately.



Lt Col, USAF

Commander

9 Attachments:

1. RIC dated 23 Jan 02 (2 pages)
2. LOR dated 6 Feb 02 (2 pages)
3. RIC dated 3 May 02 (2 pages)
4. LOR dated 24 Jul 02 (2 pages)
5. Article 15 dated 23 Oct 02 (3 pages)
6. LOC dated 10 Jan 03 (1 page)
7. LOC dated 11 Mar 03 (1 page)
8. LOC dated 14 Mar 03 (1 page)
9. Article 15 dated 28 Apr 03 (3 pages)