

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE AB	AFSN/SSAN ██████████
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TYPE GEN	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION ██████████	ADDRESS AND OR ORGANIZATION OF COUNSEL ██████████ WASHINGTON DC 20421
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MEMBER SITTING	MEMBER OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
	X+				
	X+				
	X+				
					X
	X+				

ISSUES A94.06	INDEX NUMBER A67.10	ORDER OF 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 06 May 2004	CASE NUMBER FD-2003-00556	
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APPLICANT'S ISSUE AND THE BOARD'S DECISION

Case heard at Washington, D.C.

Advise applicant of the decision of the Board.

+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY

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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00556

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

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel [REDACTED], a representative from the Veterans of Foreign Wars, at Andrews AFB, MD on 6 May 2004. [REDACTED] the applicant's father also testified as a witness.

The following additional exhibits were submitted at the hearing:

- Exhibit 5: Applicant's contentions
- Exhibit 6: Packet of Recommendation Letters
- Exhibit 7: Employee Performance Evaluation
- Exhibit 8: Letter to the Board from the applicant
- Exhibit 9: Flightline Diving Test Results
- Exhibit 10: 9 Certificates of Appreciation
- Exhibit 11: 3 Training Certificates

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The discharge is upgraded to Honorable, and the reason for discharge is changed to Secretarial Authority. Change of reenlistment code is denied.

ISSUE:

The applicant contends the discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, for failing to refrain from contact with A1C [REDACTED] and failing to request permission from her supervisor to accompany A1C [REDACTED] to the hospital. She also received 4 Letters of Reprimand for a false official statement, unauthorized absence, dereliction of duty, failure to obey orders, failure to go, and conduct unbecoming. She received one Letter of Counseling for dereliction of duty. The applicant infers her discharge was too harsh because she claims she did not have contact with A1C [REDACTED] but was only entering the gate of the installation while A1C [REDACTED] was conducting her gate security. Additionally, she claims she had permission from her crew chief, because her supervisor was not available, to take A1C [REDACTED] to the hospital. The applicant also provided testimony to illustrate that the other disciplinary actions were a result of misunderstandings or a break down of communication between the medical representatives for A1C [REDACTED] and her supervisor. Ms. [REDACTED] also testified that she was the only woman in her element and was treated differently in that she was left to learn to correct her mistakes on her own, instead of being provided guidance, like the male members of the element. She also stated she was singled out because of her friendship with A1C [REDACTED] who had victimized other members of the squadron and was seen as a troublemaker. The Board concluded there was sufficient mitigation and extenuation to substantiate an upgrade to the discharge and a change to the reason and authority. The Board did not however agree to change the applicant's reenlistment code.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority. The applicant's characterization and reason for discharge should be changed to Honorable and Secretarial Authority under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
 AIR FORCE DISCHARGE REVIEW BOARD
 ANDREWS AFB, MD

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 29 Sep 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 May 81. Enlmt Age: 20 0/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-46, E-39, G-42, M-43. PAFSC: 3E231 - Pavements and Construction Equipment Apprentice. DAS: 26 Mar 02.

b. Prior Sv: (1) AFRes 29 May 01 - 4 Sep 01 (3 months 7 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 5 Sep 01 for 4 yrs. Svd: 2 Yrs 0 Mo 25 Das, all AMS.

b. Grade Status: AB - 8 Aug 03 (Article 15, 8 Aug 03)
 Amn - 21 May 03 (Article 15, 21 May 03)
 A1C - 26 Jul 02

c. Time Lost: None.

d. Art 15's: (1) 8 Aug 03, Vandenberg AFB, CA - Article 92. You, having knowledge of a lawful order issued by SMSgt [REDACTED] not to have contact with A1C [REDACTED] of Vandenberg California during normal duty hours, an order which it was your duty to obey, did, on or about 10 Jul 03, fail to obey the same by making contact with A1C [REDACTED] during duty hours. Reduction to AB. (No appeal) (No mitigation)

(2) 21 May 03, Vandenberg AFB, CA - Article 92. You, having knowledge of a lawful order issued by MSgt [REDACTED] not to take off from work to accompany A1C [REDACTED] to her medical appointments unless you were on leave, on a scheduled day off of work or had your supervisor's approval, an order which it was your duty to obey, did, on or about 12 May 03, fail to obey the same by wrongfully failing to obtain approval from your supervisor before leaving your duty section. Reduction to Airman. (No appeal) (No mitigation)

e. Additional: LOR, 15 MAY 03 - Making a false official statement.
 LOR, 05 MAY 03 - Unauthorized absence and dereliction of duty.

LOC, 31 MAR 03 - Dereliction of duty.
 LOR, 13 DEC 02 - Failure to obey orders and failure to go.
 LOR, 13 DEC 02 - Conduct unbecoming and dereliction of
 duty.

f. CM: None.

g. Record of SV: 5 Sep 01 - 5 May 03 Vandenberg AFB 3 (Initial)

(Discharged from Vandenberg AFB)

h. Awards & Decs: NDSM, AFTR, AFOUA, CEOB.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (1) Das
 TAMS: (2) Yrs (0) Mos (25) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 12 Dec 03.
 (Change Discharge to Honorable)

Issue 1: I am requesting that my Discharge be upgraded from a General to Honorable. This request is based on the following information. While I was working to get upgraded to my 5-level I was having a difficult time and requested assistance but the NCOIC of training was 2 months away from retirement and did not have time to help. When I failed my 5-level my supervisor Sgt [REDACTED] stated "I was a disgrace to him and everyone else who passed the first time but not me, I disgraced him". (sic) As stated, no one assisted me to receive the assistance I needed to pass this test as I had poor scores on two of the six volumms.

The Second incident happened when a freind (sic) (A1C, in the Military Police) called me from her home stating that her "water broke" and she needed me to take her to the hospital as she was a single Airman and had 1 other child. I asked my Crew Chief SRA [REDACTED] if I could go and help her and he said it was alright (sic) for me to leave. When I returned, Sgt [REDACTED] called me to his office for a meeting and told me that I left the job site without permission and I was going to receive an article 15 for "Derelection (sic) of Duty". (sic) To my knowledge, SRA [REDACTED] was never asked about this situation nor that he gave me permission to assist a fellow Airman who needed assistance.

I was the only female in my unit and I feel that I was singled out as this was a Heavy Ewuipment (sic) unit and I worked around 71 men. Out of 500+ in my Squadron, with only 12 females, it was hard being accepted as part of this unit. I was basically ignored and many times after a weekend the other airmen and some Sgt's would start talking about who they had sex with and other assorted details that were totally inappropriate for mixed company.

All I am requesting is that my military records be pulled and examined and this injustice of the General Discharge be upgraded to an Honorable. I tried my best to be what an Airman was to be and that of what was expected of an Airman, but in the 30th Civil Engineering Squadron, this wasnt (sic) good enough.

FD2003-00556

ATCH

1. DD Form 214.

6JAN03/ia