

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE [REDACTED]	AFSN/SSAN [REDACTED]
--	----------------------------	--------------------------------

TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	RECORD REVIEW
YES	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
No		
	<input checked="" type="checkbox"/>	

MEMBER SITTING	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]	*				
[REDACTED]	X				
[REDACTED]	*				
[REDACTED]	X				
[REDACTED]					X
[REDACTED]					X

ISSUES A92.22, A94.06	INDEX NUMBER A67.90	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td>2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td>3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td>4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>	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
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 20 Oct 2003	CASE NUMBER FD99-00504-A															

Case heard at the Air Reserve Personnel Center, Denver, CO

*Change reason and authority to Secretarial Authority.

Advise applicant of the decision of the Board.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
--	---

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

FD99-00504-A

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant appeared before the Board without counsel at the Air Reserve Personnel Center; Denver, Colorado, on 20 Oct 03. The following additional exhibits were submitted at the hearing:

- Exhibit 5: Applicant's contentions.
- Exhibit 6: Macon State College Dean's List Certificate
- Exhibit 7: Missouri State College Transcript
- Exhibit 8: Character References (3)

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

FINDINGS: Upgrade of discharge is granted.

The Board finds that although there appears to be no inequity or impropriety in the processing and execution of the member's involuntary separation, compassion for the applicant and the minor nature of the offenses, warrant upgrade of the characterization.

ISSUES:

1. There was a lack of supervision in a problematic squadron in which many members were being involuntarily separated at the time of her separation. The applicant contended that her squadron had numerous individuals who were being separated involuntarily from the Air Force for misconduct including her immediate supervisor. Because of this, she had no proper supervision. The Board found no evidence, other than the applicant's testimony to support this assertion. Rather, it appears that the applicant was given several rehabilitative actions in an attempt by her squadron to help her change her behavior.
2. She received no formal feedback of any negative performance to support the commander's issuance of the administrative actions including several LORs. The Board found that she received feedback in the form of the letters of reprimand and the nonjudicial punishment action under Article 15, UCMJ. The Board concluded that there was no requirement to warn the applicant of her misconduct prior to issuing the letters of reprimand or the nonjudicial punishment.
3. Her average conduct and efficiency ratings/behavior and proficiency marks were above average to excellent; she received awards and decorations; her record of performance showed she was a generally good service member; and she had a prior honorable discharge. The Board agreed that her performance reports indicated that the applicant was a stellar performer especially before her assignment to Kadena. The Board observed, however, that her performance reports were just one factor to take into consideration when characterizing her service. The Board noted that her prior Honorable Discharge while a factor to consider, had no bearing on characterizing her present enlistment and concurred with the applicant that her prior honorable discharge would qualify her for her GI Bill benefits. The Board recommended that the applicant obtain a copy of the DD Form 214 from her prior enlistment and supply it to the proper authorities.
4. She had been a good citizen since her discharge. The Board found that the applicant had not engaged in any misconduct since her discharge including involvement with civil authorities. It commended her on her progression in her academic endeavors and her ability to maintain employment even with the challenges of moving via PCS orders with her active duty spouse.

5. Her record of Article 15 was based on many offenses, but they were mostly only minor offenses. The Board determined that the respondent's nonjudicial punishment under Article 15, UCMJ, was based on only one incident—the failure to follow a lawful order—but that it was permissible under the law. It observed that she received letters of reprimand for every instance of misconduct beginning with the first instance of misconduct with the exception of the nonjudicial punishment action. The Board was concerned that it appeared the squadron used a “one size fits all” approach to discipline in many respects. The Board noted that several instances of misconduct appeared to be handled with disciplinary responses which were too harsh for the offense.

6. Her discharge was punishment and was too harsh considering what was happening in her squadron and that the President of the United States in office at the time of her discharge had also engaged in adultery. The Board noted that the discharge was not punishment but rather a quality force shaping tool available to commanders and that the applicant's discharge was based on several instances of misconduct not just her adulterous affair for which she received a letter of reprimand. The Board did not believe the applicant's reference to the President was relevant in determining the outcome of her discharge review.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was equitable and proper at the time of her separation. However, the Board concluded that based on the totality of the circumstances surrounding the discharge and the applicant's post service conduct, her discharge should be upgraded on compassionate grounds. Although the Board found no inequity or impropriety in the administration of her discharge, it concluded that the member's forthright nature in admitting to the misconduct and her subsequent employment in the civilian sector without any difficulties, coupled with the personal nature of her alleged adulterous affair warrants an upgrade to honorable. The Board noted the member's nearly four years of satisfactory service without any disciplinary problems and the fact that the alleged minor misconduct occurred after being PCS'd to a remote location and all occurred in a 6-month period. The Board considered the magnitude of the instances of misconduct and concluded that many of them were minor and that the disciplinary response to them was stronger than necessary. In light of these findings, the Board determined that upgrade of her discharge characterization and change of authority for that discharge was warranted. 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 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

FD99-00504-A

[REDACTED]
[REDACTED] (Former A1C) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Dish fr USAF 97/12/04 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for HON Disch.
2. OTHER FACTS:
 - a. See attached cy of Examiner's Brief dtd 99/12/16.
 - b. The AFDRB reviewed case on 00/11/08 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.
3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 01/02/06. (Change Discharge to Honorable)

ISSUE 1: Being that my first term was categorized as Honorable and I was allowed to reenlist for a second term, I should be able to receive my GI Bill benefits which were paid into and completed during my first term. The offense of adultery did not occur until well into my second term. I feel that I have been robbed of my G.I. Bill benefits because of this fact.

ADDITIONAL ISSUES ATTACHED TO BRIEF.

Atch

1. Additional Issues.
2. Letter of Reprimand, 15 Jul 97.
3. UIF, AF Form 1058, 15 Jul 97.
4. Letter of Reprimand, 02 Oct 97.
5. AFI 36-2908, page 5.
6. UIF, AF Form 1058.
7. Letter of Reprimand, 08 Oct 97.
8. Memorandum, Stay Away Order, 17 Oct 97.
9. Letter of Reprimand, 15 Oct 97.
10. MFR, 15 Oct 97.
11. Letter of Reprimand, 23 Oct 97.
12. MFR, 29 Oct 97.
13. MFR, 21 Oct 97.
14. MFR, 21 Oct 97.

15. UIF, AF Form 1058, 29 Oct 97.
16. Article 15, 27 Oct 97.
17. Letter of Reprimand, 29 Oct 97.
18. Memorandum, Notice of Revocation of Driving Privileges, 21 Oct 97.
19. Armed Forces Traffic Ticket, 02 Oct 97.
20. Memorandum, Request for Limited Driving Privileges, 03 Nov 97.
21. Memorandum, Three (3) Year Barment, 24 Nov 97.
22. Notification Memorandum, 07 Nov 97.
23. DD Form 214.
24. Personal Resume.
25. Letter to U.S. Secretary of Defense, 14 Mar 98.
26. Response Letter from U.S. Senate, 11 Mar 98.
27. Letter to U.S. Secretary of Defense, 13 Apr 98.
28. Personal Letter, 17 Apr 98.
29. Letter from HQ USAF/DPXF, 28 Apr 98.
30. Letter to 18th Wing Commander, Termination of Barment Order, 03 Mar 98.
31. Letter to Staff Judge Advocate, 09 mar 98.
32. Letter to 18th Wing Commander, 09 Mar 98.
33. Memorandum for HQ PACAF/CC, 03 Mar 98.
34. Letter to U.S. Senator, 18 Mar 98.
35. Letter to 18th WG/JA, 10 Apr 98.
36. Three (3) Enlisted Performance Reports.
37. Letter to 18 MKS/LGMP, 05 Feb 97.
38. 18th Maintenance Squadron Top Performer Award, Jan 97.
39. Air Force Achievement Medal, 27 Feb 97.
40. List of Decorations and Awards.

This letter is written in a plea that a favorable official conclusion be rendered to my request to reverse my military discharge status from general to honorable. I believe the facts presented in the following documents will indubitable and undoubtedly support my request. I will start my letter by openly admitting that while assigned as a military member that I unfortunately made a huge mistake and at this time truly feel that I have paid a tremendous price for such a mistake. At the time of my mistake, I was merely a young twenty-two year old senior airman attempting foolishly to transition into maturity and adulthood. Even though I made a mistake that caused horrendous and shameful damage to myself and family in which I will live with for the rest of my life, I feel I can genuinely declare that I never did anything that defaced the image of the military department that I served. As a result of committing a violation of the rule, I was formally reprimanded and discharged and truly feel at this time that I have paid all dues for such an offense. This is especially true in view of the violation and I don't feel I should have to live the rest of my life with the classification tag of general discharge.

I have performed in-depth research on the website of the appropriate steps required for the proper submission of an action of this description however I was unable to locate any detailed instruction as to the guidance to properly prepare and submit this package. Therefore, if it is not in the required format then hopefully you can forgive and evaluate my request based merely on the presented information of the furnished document. As a result, I believe the best way to present my situation is to provide copies of documents that were previously furnished to the following respective individuals: Senator Craig, President Clinton, Secretary of Defense Cohen, as well as, letters to the Pentagon's legal committee. The following correspondence will provide you with the in-depth details of my case in which hopefully will allow you to form a positive decision. This package is compiled in the order in which the events of my case occurred. After reading the furnished information, I sincerely feel that you will be able to find that I am worthy of receiving an honorable discharge. *Please read, in the order arranged, the supporting documents.*

Upon my discharge from the USAF in November 1997, I have been steadily employed by very prestigious civilian companies, and am currently residing once again with my husband - SrA [REDACTED] and daughter - [REDACTED]. Since my discharge, I have had ample time to reflect on my past and humbly regret the actions I so diligently pursued in destroying my military career. After numerous telephone calls, e-mails, congressional inquiries, my husband's furnished curtailment package was approved, enabling us to reunite for the first time in twelve months, which occurred in November 1998. My husband and I believe this a good faith decision that was allowed as a result of the Wing Commander's position and decision not to allow me to rejoin my family on the Island of Okinawa. I also believe that the verdict or vote rendered to my Commander-in-Chief regarding his situation while on duty within the oval office of the White House. I beckon you to please give consideration when rendering a conclusion to my case which did not occur during any duty hours paid to me by the American Taxpayers. Unlike President Clinton, when confronted with my situation by my superiors I stood tall and

took full responsibility for my actions. I never once lied or attempted to conceal the truth. I cooperated to the fullest extent with my superiors who told me that my cooperation would alleviate any discharge action that could be taken against me. I wholeheartedly entrusted my superiors who said that they would help me repair the damages that I had made to my career; however, I was totally blinded and misguided by the passion of the moment.

The ultimate reason for the request to reverse the decision regarding my discharge is to re-establish my records so that they can properly reflect the person that I currently am in order that I may be recognized for the potential that I possess. Also, such a decision shall help me to restore my faith in the military and the United States Air Force. Technically, I have been a part of the Air Force for more than 24 years especially since my father served 21 ½ years of active duty military service as well as 11 years as a civil servant - contracting officer. My father's admiration for the Air Force was a part of my own desire to become an active duty member. I am still a part of the Air Force today since my husband is still an active duty member. I feel there is no one that has as much respect for the Air Force as I and my military records prior to my unfortunate incident will vividly reflect such. I feel that I faithfully gave the Air Force 110% prior to my discharge; only to be given nothing in return in the end. I want so much to change that and to feel the pride that I once felt for the Air Force. I strongly believe that if you take the facts of my case into consideration and compare them to those of the President then I truly feel that you would reverse my presented discharge action. Yes, I did commit adultery just as my Commander-in-Chief did. Yes, in addition I also broke a lawful order. But, in conclusion I believe my situation should have been handled in a much different manner. I feel that adultery is a family matter, and needs to be handled between a husband and a wife. The outcome of President Clinton's case seems to prove such a reality. As a result of the Air Force involving itself in a family matter, my family and I were unable to solve our problems in a way that we should have been able allowed. Because we were unable to live as a family for the past twelve months, my relationship with my 3-year-old daughter has suffered severely which has also seriously compounded any other problem that we may have had. Can you try to imagine how it feels to be torn apart from your 2-year-old, only child, for 12 months? It's a feeling I wish no one would ever have to endure. Not even my worst enemy, that is, if I had one.

If you are asking yourself the questions, has she taken any responsibility for what has happened? Do the facts of this case presented to me reveal that she does deserve an honorable discharge, or does the military hold any responsibility for this? My answer is yes, my actions were wrong in the moral aspect and legal aspect according to the military, but the Air Force's actions against myself and my family were also wrong. It would be easier to understand if I were a rapist, a murderer, drug user, or child molester, but I am none of the above. I was a person who had a lack in good judgement, just as hundreds of people had since the beginning of time, including our President.

It is one thing to punish the Air Force member, but it is another to punish the whole family which is what has occurred.

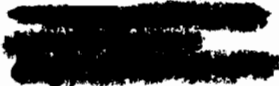
Compare my case to those of other military members. I feel other members in my same unit that served under the same squadron commander, as well as the President of the

United States and his matter, received much leaner punishments for their consequences than the ghastly and dreadfully harsh, overdone, and unjustified conclusion of mine.

I realize this is a situation that I created and allowed to disrupt the lives of family and myself. However, I plead and beseech to be allowed to enjoin my family by a reversal of a previous decision and live a normal life. Such a positive decision on your part would also allow me to face any future employer during an interview with nobility and dignity.

[REDACTED]

ISSUES ATTACHMENT 2



Dear Members of the Board:

The following issues are the reasons I believe my discharge should be upgraded to Honorable. If you disagree, please explain in detail why you disagree. The presumption of regularity that might normally permit you to assume that the service acted correctly in characterizing my service as less than honorable does not apply to my case because of the evidence I am submitting.

1. **My average conduct and efficiency ratings/behavior and proficiency marks were above average to excellent.** My Evaluation Performance Reports throughout my career were categorized as excellent.
2. **I received awards and decorations.** I received various awards from the Achievement Medal to the Good Conduct Medal which are enclosed as well as the "Maintainer of the Month" award two days prior to my punishment from the squadron I was discharged from.
3. **My record of Promotions showed I was a generally good service member.** Please refer to Evaluation Performance Reports.
4. **I had a prior Honorable Discharge.** I completed one full enlistment term of four years, which was categorized as Honorable, enabling me to become a career airman by enlisting for another four-year term.
5. **I have been a good citizen since discharge.** I have held steady employment with some of the most prestigious Fortune 500 companies in the country (Raytheon Aerospace and Parker Aerospace) as a buyer for military contracts. I am a professional salaried employee within my company.
6. **My record of Article 15 is based on many offenses, but they were mostly only minor offenses.** Prior to my Article 15, I had a clean, untarnished file. The incidents compiled against me in my Article 15 were minor, and were only used in this way to discharge me from active duty. They ranged from missed appointments to a vehicle violation.
7. **The punishment I received at discharge was too harsh—it was much worse than most people got for the same offense or much worse offenses.** Please refer to attachment 2-ISSUES

Please accept this letter as a supplement to my initial package concerning the reconsideration of my Barment Order.

As I stated previously, I was issued my Barment Order two days prior to my departure from the island of Okinawa. I also feel that the only reason why I was issued the order was due to the fact that I asked permission from my First Sergeant, SMSgt [REDACTED], to be allowed to come back to the island as a dependent of my husband, [REDACTED]. Until this point, there were no insinuations of a Barment Order taking place.

I also have to question where the standards are in the issuing of Barment Orders. I am aware of specific cases where other military members in my squadron were discharged and were not barred from the island.

- 1.) [REDACTED] I am not aware of the specific details of his case, but am aware of certain facts of his case. Mr. [REDACTED] was an airman stationed at Kadena Air Base and was Dishonorably discharged for either the use or possession of illegal drugs. Mr. [REDACTED] also served time in jail on the island as part of his punishment due to his crime. I am aware of his case because I worked with Mr. [REDACTED] AFTER his discharge. Mr. [REDACTED] was hired by Lockheed-Martin and is now working in the 18th Maintenance Squadron in the Jet Engine Section. His wife also works in the 18th MXS. He was never issued a Barment Order.
- 2.) [REDACTED] Mr. [REDACTED] was a co-worker of mine in the Jet Engine Section, and worked very closely with the Supply Section where I worked. Mr. [REDACTED] was administratively discharged a month before my discharge. Mr. [REDACTED] discharge initially stemmed from an incident where he vandalized another military members car during a typhoon where we were in 1 Emergency. He was never issued a Barment Order.
- 3.) [REDACTED] Mr. [REDACTED] was my NCOIC during my time with the 18th MXS in the Supply Support Section. I do not know specifics of his case, but he was administratively discharged due to sexual harassment/adultery charges. Mr. [REDACTED] was under investigation by the OSI, and I was asked to speak with them as to my personal thoughts and experiences, if any, with my NCOIC. He was never issued a Barment Order.
- 4.) [REDACTED] Mr. [REDACTED] was also administratively discharged due to disobeying a lawful order and adultery. Mr. [REDACTED] was also in the 18th Maintenance Squadron, and is also the person I was alleged and admitted to having an affair with. Prior to the adultery incident with myself, Mr. [REDACTED] had also been reprimanded for suspicion of adultery with a wife of an officer who was also stationed on Kadena Air Base. It took Mr. [REDACTED] getting caught three times, twice with myself and once with another woman, for him to be administratively discharged, whereas it only took two times with myself. Mr. [REDACTED] was also never issued a Barment Order.

My reasoning for pointing out these specific cases is because I have to question where the standards and guidelines are for issuing a Barment Order. In the cases I have pointed out above, there are clear acts of violence, and the use of illegal drugs, etc. which is not only in violation of the Uniform Code of Military Justice, but also violations of the laws in the civilian world which everyone must follow, and are clearly reasons for issuing a Barment Order. I cannot understand how a person is barred from a military installation because of whom they chose to see in their personal time, but on the other hand, a person that was dishonorably discharged for illegal drugs is not barred.

There are also two specific points I feel I need to make clear as far as certain documents in my military records. As I stated earlier, my Personal Information File was virtually clean and contained little adverse documentation up until the initial suspicion of adultery charge. I feel as though the following incidents are unjustified and should not hold any bearing on my character or my request to come back to Kadena Air Base.

On the 23rd of October, 1997, I was issued a Letter of Reprimand for playing a compact disc that contained offensive and unacceptable language. When I was notified that I was being reprimanded, I was given the opportunity to submit a rebuttal if I felt it necessary, but never did

so due to the fact that it I was just basically unbelievably shocked by the allegations and I basically gave up. I felt as though I would not be taken seriously or believed and that a conclusion had been already drawn about the situation before I was even spoken to. I was not asked if the alleged incident was true, and I was not asked my side of the story. I was just issued the Letter of Reprimand and told to sign it.

I feel that if this should have any bearing on my case, I should explain the real way that it happened, and my immediate supervisor, SSgt. [REDACTED] can also vouch for me. He was also present during the confrontation. On the morning of the 21st of October, a fellow co-worker, who is an E-7 in the Jet Engine Section, gave me a compact disc to listen to while I was at work. We shared the same taste in music and he knew that I had never listened to the band before, but thought that I might like it. I was working in the Tool Crib helping customers, and I put the compact disc in the stereo and turned the music on to a low volume. No more than five minutes into the first song, Ssgt. [REDACTED] approached me and told me that the lyrics on the CD that I put in were offensive and that someone walking by might be offended. I asked him what the lyrics were since I had no idea myself, and he then told me that they were singing "kill the white people." We both laughed it off but we were nevertheless surprised, but I personally did not feel that it was offensive due to the fact that I am half white and I also let SSgt. [REDACTED] know that. He said "okay" and walked away. A few minutes later he came back and asked if I was going to turn it off and I in turn told him no because the song would soon be over, and I was also very busy helping customers, who could not even hear the music until it was pointed out, and still did not show any signs of concern. That is where the confrontation ended. SSgt. [REDACTED] never gave me an order to turn the music off, and from his actions, he was not overly concerned about it at the time either.

The other documentation in my file that I feel needs to be justified, is a Letter of Reprimand I received on the 15th of October, 1997. My LOR was for failure to show for duty at 0645. During the night of the 14th of October, Amn. [REDACTED], who was a co-worker and friend of mine, was going through his own ordeal with our squadron and was put on suicide watch by the Mental Health Squadron and the hospital. He had telephoned me because he needed a friend to talk to and he was having thoughts of suicide at the time. The incident lasted throughout the early hours of the morning of the 15th of October and I was asked by an officer in the Mental Health clinic to stay with him if it was possible until the next morning. My husband and I felt that it was necessary for his well-being, so I did. Throughout the night, the hospital called his room every half hour to make sure he was okay. Our section was also notified of the incident and our supervisors were aware of the situation. It was to our understanding that we would not have to report to work at 0645, but instead at 0800. The next morning, we received LOR's for not being at work at 0645.

The following is a true and accurate statement of the events that occurred between April 21st 1997 to June 29th 1997 to the best of my recollection.

My first social encounter with SSgt. [REDACTED] occurred on the 21st of April 1997. I was working in my office with a co-worker, when SSgt. [REDACTED] approached me and we began to engage in casual conversation for no more than 15 minutes before he went back to his duty section. I forwarded SSgt. [REDACTED] several humorous e-mail messages at work that same night. The following evening I wasn't scheduled for duty and when I returned the next day, SSgt. [REDACTED] had thanked me for the e-mail that I had sent him the previous night. For the next several weeks, we started exchanging music and talking through e-mail at work. We would talk about our likes and dislikes, hobbies, and life in general. We would also discuss his relationship with his girlfriend and my unhappiness in my marriage. We began to socialize more frequently during duty hours, mostly during our breaks, for approximately 10 to 15 minutes at a time. A few days later, he had asked me if I would like to take my dinner break with him. At first I had declined because I thought it was wrong, but after reconsidering I felt that I might have overreacted. My impression of our relationship at that point was that we had a casual friendship and I was unsure if his intentions were to escalate the relationship to a more serious level. I decided to go and we had dinner at Mickey's off base where we stayed for an hour before returning to work.

April 30th was the first time I started seeing SSgt. [REDACTED] after regular duty hours at his home on base. Initially, I was confused, scared, and very nervous about seeing him at his home, but he made me feel very comfortable about the whole situation. On May 2nd, SSgt. [REDACTED] and I spent the afternoon together. We went to a few places off base, and I took him home. By that evening, the events of the day had escalated into our first sexual encounter. On the 3rd of May, I e-mailed SSgt. [REDACTED] from my home and the e-mail was returned from my server resulting in my husband's discovery of my relationship with SSgt. [REDACTED]. At that point, I revealed to my husband what had previously occurred between SSgt. [REDACTED] and I. My husband wanted to confront SSgt. [REDACTED] about the situation, so I had arranged for them to meet at the Risner Gym track. My husband explained to SSgt. [REDACTED] that I was a married woman with a child and that

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

[REDACTED]
(Former A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 97/12/04 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 74/12/07. Enlmt Age: 18 2/12. Disch Age: 22 11/12. Educ: HS DIPL. AFQT: N/A M-20, A-89, G-50, E-45. PAFSC: 2S051 - Supply Management Journyman. DAS: 96/07/22.

b. Prior Sv: (1) AFRes 93/02/19 - 93/04/19 (2 months 1 day) (Inactive).

(2) Enld as AB 93/04/20 for 4 yrs. Svd: 3 yrs 0 mos 2 das, all AMS. AMN-(EPR Indicates): 93/04/20-94/12/19. A1C - 94/08/20. SRA 96/04/20. EPRs: 4,5.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SRA 96/04/22 for 4 yrs. Svd: 1 Yrs 7 Mo 13 Das, all AMS.

b. Grade Status: A1C - 97/10/27 (ART 15, 97/10/27)

c. Time Lost: none.

d. Art 15's: (1) 97/10/27, Kadena AB, Japan - You, having knowledge of a lawful order issued by LtC -----, to wit: No Contact Order, and order which it was your duty to obey, did, o/a 1 Oct 97, fail to obey the same by wrongfully having contact with SSgt ----- . Rdn to A1C, forfeiture of \$500.00 pay per month for 2 months, 30 days restriction, 30 days extra duty, and a reprimand. (No appeal) (No mitigation).

e. CM: none.

f. Record of SV: 95/12/20 96/05/02 Dover AFB 5 (CRO)
96/05/03 97/05/02 Kadena AB 5 (Annual)
(Discharged from Langely AFB)

g. Awards & Decs: AFAM, AFLSAR, AFTR, NDSM, AFOUA, AFGCM.

h. Stmt of Sv: TMS: (4) Yrs (9) Mos (15) Das
TAMS: (4) Yrs (7) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 99/10/18.

(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCHS

1. Applicant's Issues.
2. Personal Statement.
3. LOR.
4. AF Form 1058.
5. LOR.
6. Copy of Chapter 2, AFI 36-2908.
7. AF Form 1058.
8. LOR.
9. Stay Away Order.
10. LOR.
11. Memo for Record.
12. LOR.
13. Failure to Obey Letter.
14. AF Form 1058.
15. Article 15.
16. LOR.
17. AF Form 1058.
18. Notice of Revocation of Driving Privileges & Response.
19. Three Year Barment.
20. Notification Memorandum.
21. DD Form 214.
22. Letter to Senator.
23. Letter to Secretary of Defense.
24. Letter for Senate.
25. Appointment Request.
26. DOD Letter of Response.
27. Termination of Barment Order.
28. Two Personal Letters.
29. Biography.
30. Response Letters.
31. Four Enlisted Performance Reports.
32. Letter of Appreciation.
33. Certificate of Achievement.
34. Air Force Achievement Medal.
35. Resume.

99/12/16/ia

KD99-00504-A



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES



11 Nov 97

MEMORANDUM FOR 18 WG/CC

FROM: 18 WG/JA

SUBJECT: Legal Review - Administrative Discharge - AIC [REDACTED]
18 MXS (PACAF), Kadena AB, Japan

1. BASIS: Lt Col [REDACTED] has initiated this administrative discharge action against AIC [REDACTED] for a Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. The initiating commander has recommended a general discharge without probation and rehabilitation.

2. GOVERNMENT'S EVIDENCE:

a. On or about 25 Jun 97, AIC [REDACTED] failed to complete the necessary actions in order to remain worldwide available in case of deployment after receiving a briefing on her responsibilities with regard to Dependent Care. As a result, she received a Letter of Reprimand on 2 Oct 97 (Tab 1-1).

b. On or about 29 Jun 97, AIC [REDACTED] had an affair with SSgt [REDACTED]. As a result, on or about 30 Jun 97, she was issued a written order to have no contact with SSgt [REDACTED] and she received a Letter of Reprimand on 15 Jul 97. An Unfavorable Information File also was established (Tab 1-2).

c. On or about 2 Oct 97, AIC [REDACTED] was cited by the 18th Security Forces Squadron for failing to maintain insurance on her privately owned vehicle. As a result, she received a Letter of Reprimand on 29 Oct 97 (Tab 1-3).

d. On or about 6 Oct 97, AIC [REDACTED] failed to report to her Equal Opportunity Training appointment. As a result, she received a Letter of Reprimand on 8 Oct 97 (Tab 1-4).

e. On or about 11 Oct 97, AIC [REDACTED] failed to obey a lawful no contact order issued by her Commander, Lt Col [REDACTED] by wrongfully having contact with SSgt [REDACTED]. As a result of these actions, she was punished under Article 15, UCMJ on 27 Oct 97. Punishment consisted of reduction to the grade of Airman First Class, with a new date of rank of 27 Oct 97; forfeiture of \$500.00 pay per month for 2 months; restriction to the confines of Kadena Air Base, Okinawa, Japan for 30 days; and 30 days extra duty (Tab 1-5).

f. On or about 15 Oct 97, AIC [REDACTED] failed to show at the time prescribed to her appointed place of duty. As a result, she received a Letter of Reprimand on 15 Oct 97 (Tab 1-6).

g. On or about 21 Oct 97, AIC [REDACTED] played a Compact Disc (CD) that contained offensive and unacceptable language and failed to turn the CD player off even after a noncommissioned officer requested that she do so. As a result, she received a Letter of Reprimand on 23 Oct (Tab 1-7).

3. RESPONDENT'S EVIDENCE:

a. The respondent, a 22-year old airman, originally enlisted 20 Apr 93. Her AQE scores are A-89, E-45, G-50, and M-20. This airman has received four evaluation reports. Her latest report, which closed out on 2 May 97, rated her an overall 5. The airman is entitled to wear the medals, awards and ribbons outlined in the commander's recommendation.

b. The respondent consulted military defense counsel and has elected to waive her right to submit statements on her behalf.

4. ERRORS OR IRREGULARITIES: None noted.

5. DISCUSSION:

a. AFI 36-3208, paragraph 5.50.2, authorizes the involuntary separation of airmen who engage in a pattern of misconduct. During her enlistment, AIC [REDACTED] as received one Article 15 and six Letters of Reprimand. The continuing nature of these documented instances of misconduct satisfies the requirements of the instruction and justifies discharge.

b. Characterization of service as general is appropriate when significant negative aspects of an airman's conduct outweigh positive aspects of her military record. AIC [REDACTED] numerous instances of misconduct clearly outweigh the positive aspects of her military record. Therefore, characterization of AIC [REDACTED] service as general is appropriate.

c. I concur with 18 MXS/CC that probation and rehabilitation is not appropriate for this airman. The squadron gave AIC [REDACTED] ample opportunity to rehabilitate herself. She did not take advantage of those opportunities and continued her errant behavior. There is no reason to believe that further rehabilitative efforts would be successful.

6. OPTIONS: As special court-martial convening authority, you may:


a. Retain AIC [REDACTED] if you consider discharge unwarranted;

b. Direct a general discharge with or without probation and rehabilitation; or

c. Recommend that 5 AF/CC direct an honorable discharge with or without probation and rehabilitation.

7. RECOMMENDATION:

I recommend you direct a general discharge without probation and rehabilitation by signing the attached memorandum.



Captain, USAF
Chief, Military Justice, 18th Wing

Attachments:
Case File

1st Ind, 18 WG/JA

MEMORANDUM FOR 18 WG/CC

I concur/~~nonconcur~~ with this recommendation.


COLONEL, USAF
Staff Judge Advocate, 18th Wing

This legal opinion is a privileged document and is provided for command use only. It should not be released to the public in general or to the subject of this review in particular.



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD49-00504-A

7 NOV 97



MEMORANDUM FOR AIC [REDACTED]

FROM: 18 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as either honorable or general. I am recommending that your service be characterized as general.

2. My specific reasons for this action are:

a. On or about 25 Jun 97, you failed to complete the necessary actions in order to remain worldwide available in case of deployment after receiving a briefing on your responsibilities with regard to Dependent Care. As a result, you received a Letter of Reprimand on 2 Oct 97 (Tab 1-1).

b. On or about 29 Jun 97, you had an affair with SSgt [REDACTED]. As a result, on or about 30 Jun 97, you were issued a written order to have no contact with SSgt [REDACTED] and you received a Letter of Reprimand on 15 Jul 97. An Unfavorable Information File was established also (Tab 1-2).

c. On or about 2 Oct 97, you were cited by the 18th Security Forces Squadron for failing to maintain insurance on your privately owned vehicle. As a result, you received a Letter of Reprimand on 29 Oct 97 (Tab 1-3).

d. On or about 6 Oct 97, you failed to report to your Equal Opportunity Training appointment. As a result, you received a Letter of Reprimand on 8 Oct 97 (Tab 1-4).

e. On or about 11 Oct 97, you failed to obey a lawful no contact order issued by your Commander, Lt Col [REDACTED] by wrongfully having contact with SSgt [REDACTED]. As a result of these actions, you were punished under Article 15, UCMJ on 27 Oct 97. Punishment consisted of reduction to the grade of Airman First Class, with a new date of rank of 27 Oct 97; forfeiture of \$500.00 pay per month for 2 months; restriction to the confines of Kadena Air Base, Okinawa, Japan for 30 days; and 30 days extra duty (Tab 1-5).

f. On or about 15 Oct 97, you failed to show at the time prescribed to your appointed place of duty. As a result, you received a Letter of Reprimand on 15 Oct 97 (Tab 1-6).

g. On or about 21 Oct 97, you played a Compact Disc (CD) that contained offensive and unacceptable language and failed to turn the CD player off even after a noncommissioned officer requested that you do so. As a result, you received a Letter of Reprimand on 23 Oct (Tab 1-7).

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 the Area Defense Counsel Office at Building 1460 on 17 Nov 97 at 1000 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 17 Nov 97 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 Physical Examination Section, 18th Medical Group, Kadena AB, Japan at 0700 on 17 Nov 97 for the examination.
7. The Privacy Act Statement of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208, is available for your use at the Area Defense Counsel's office.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
Commander, 18th Maintenance Squadron

Attachments:

1. LOR, 25 Jun 97; LOR, 29 Jun 97;
2. LOR, 2 Oct 97; LOR, 6 Oct 97;
3. LOR, 15 Oct 97; LOR, 21 Oct 97;
4. Article 15, 27 Oct 97.
5. Airman's Receipt of Notification Memorandum