

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00428

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. Applicant was discharged for conduct prejudicial to good order and discipline. The records indicated the applicant received an Article 15, a vacation of suspended punishment, four Letters of Reprimand, a Letter of Counseling, a Memorandum for Record, and had an Unfavorable Information File for misconduct. Her infractions included multiple incidents of failure to go, multiple incidents of failing to obey lawful orders, dereliction of duty, financial irresponsibility, failed dormitory room inspections, domestic violence, and adultery. She had one Enlisted Performance Report rated an overall referral "1" that noted her "nonexistent performance," noncompliance with directives, and unreliability. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior but was unwilling or unable to do so. The Board concluded her misconduct was a significant departure from conduct expected of all military members and noted applicant was age 20 and 21 when the incidents occurred, essentially the same age as other first term airmen who adhere to the standards expected of them. There was no evidence member was immature or did not know right from wrong, so she was therefore held accountable for her actions. 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 characterization of the discharge received by the applicant was found to be appropriate.

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

MISSING MEDICAL RECORDS

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 29 May 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 3 Nov 80. Enlmt Age: 19 7/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-61, E-44, G-55, M-43. PAFSC: 3P031 - Security Forces Apprentice. DAS: 12 Jan 01.

b. Prior Sv: (1) AFRes 9 Jun 00 - 25 Jul 00 (1 month 17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as 26 Jul 00 for 6 yrs. Svd: 1 Yrs 10 Mo 4 Das, all AMS.

b. Grade Status: AB - 1 Feb 02 (Article 15, Vacation, 7 May 02)
 A1C - 15 Sep 00

c. Time Lost: None.

d. Art 15's: (1) 7 May 02, Vacation, Malmstrom AFB, MT - Article 86. You did, on divers occasions between on or about 3 Dec 01 and on or about 13 Dec 01, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on divers occasions, between on or about 12 Feb 02 and on or about 9 Apr 02, without authority, fail to go at the time prescribed to your appointed place of duty. Article 86. You did, on or about 11 Apr 02, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, who knew or should have known of your duties, on divers occasions between on or about 9 Apr 02 and on or about 11 Apr 02, were derelict in the performance of those duties in that you negligently failed to respond to your pager while on stand-by, as it was your duty to do. Reduction to AB. (No appeal) (No mitigation)

(2) 1 Feb 02, Malmstrom AFB, MT - Article 86. You did, on divers occasions, between 3 Dec 01 and on or about 13 Dec 01, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to AB. Forfeiture of \$200.00 pay per month for 2 months, and 21 days extra duty. (Appeal/Withdrawn) (No mitigation)

- e. Additional: LOR, 19 APR 02 - Failed room inspection.
MFR, 16 APR 02 - Missed medical appointments.
LOC, 01 FEB 02 - Late for work.
LTR, 24 NOV 01 - Financial irresponsibility.
LOR, 10 NOV 01 - Failure to go, failed room inspection, and
late for appointment.
LOR, 15 AUG 01 - Failure to obey a lawful order.
LOR, 08 AUG 01 - Adultery.

f. CM: None.

g. Record of SV: 26 Jul 00 - 25 Mar 02 Malmstrom AFB 1 (Initial)REF
(Discharged from Malmstrom AFB)

h. Awards & Decs: AFTR, BFPB.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (21) Das
TAMS: (1) Yrs (10) Mos (4) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Sep 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

12NOV03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 341ST SPACE WING (AFSPC)

FD 2003-0428

MEMORANDUM FOR 741 SFS (ATTN: AB [REDACTED])

20 May 02

FROM: 741 SFS/CC

SUBJECT: Notification Memorandum

1. Pursuant to AFPD 36-32 and AFI 36-3208, paragraph 5.50.2, I am recommending your discharge from the United States Air Force for a pattern of misconduct (conduct prejudicial to good order and discipline). If my recommendation is approved, your service will be characterized as either honorable or general. I am recommending a general discharge.
2. My reasons for this action are:
 - a. On 3 May 01, you were involved in an alleged domestic violence incident. For this action, you received No Contact Order, dated 3 May 01. This order remained in effect until 22 May 01.
 - b. On 8 Aug 01, investigation revealed that you committed the offense of adultery and failed to obey a lawful order. For this misconduct, you received a Letter of Reprimand (LOR) dated 8 Aug 01. An Unfavorable Information File (UIF) was established.
 - c. On or about 14 Aug 01, you failed to exit the dormitory building during a fire alarm. This lawful order was given to you by Central Dormitory Management Office personnel and annotated on an AF Form 228. For this misconduct, you received an LOR dated 15 Aug 01.
 - d. On 5 Nov 01, you failed to go to your Preventive Health Assessment (PHA). In addition, on 8 Nov 01, you failed to report to duty at the prescribed time as instructed. In addition, on 9 Nov 01, you failed your dormitory inspection conducted by your First Sergeant. Further, on 9 Nov 01, you reported late to your appointed place of duty as instructed. For this collective misconduct, you received an LOR dated 10 Nov 01.
 - e. On or about 24 Nov 01, your charge and check cashing privileges for the military star program were suspended.
 - f. Between on or about 3 Dec 01 and on or about 13 Dec 01, you failed to go to your designated place of duty (building 500) at the appointed time. For this misconduct you received an Article 15, dated 1 Feb 02, with the following punishment: reduction to the grade of airman, reduction to the grade of airman basic (suspended), forfeiture of \$200.00 pay per month for 2 months and 21 days extra duty. This document was filed in your UIF.
 - g. On 1 Feb 02, you arrived to work more than 60 minutes after the designated time. For this misconduct, you received a Letter of Counseling (LOC) dated 1 Feb 02.

h. On or about 11 Apr 02, your dormitory room was found in total disarray. For this misconduct, you received an LOR, dated 19 Apr 02.

i. Between on or about 12 Feb 02 and on or about 9 Apr 02, you failed to go to your designated place of duty (building 2040) at the appointed time. Further, on or about 11 Apr 02, you failed to go to your designated place of duty (building 510) at the appointed time. Also, between on or about 9 Apr 02 and on or about 11 Apr 02, you were derelict in your duties in that you negligently failed to respond to your pager while on stand-by. For this misconduct, you received a vacation of suspended nonjudicial punishment dated 7 May 02, with the following punishment: reduction to the grade of airman basic. This document was filed in your UIF.

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 has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel, x4723, 7015 Goddard Drive, Bldg 145, Room 144 on 21 May 02 at 1500 hrs. You may consult civilian counsel at your own expense.

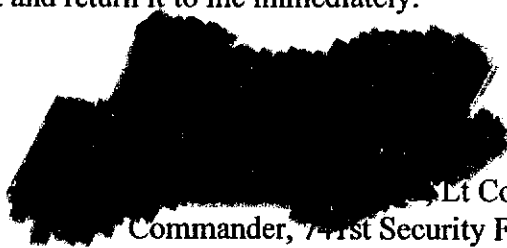
5. You have the right to submit statements in your own behalf. You have 3 duty days from the date of this letter (COB 24 May 02), to provide me with any statements you want the separation authority to consider. You may request and receive an extension for good cause shown. I will send all submitted statements 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 receive a medical examination. You are scheduled for a medical examination at the 341st Medical Group Physical Examination Section, x4453, on 23 May 02 at 0730 hours. You **MUST** be in uniform for this appointment. If you wear glasses, you must also bring them to this appointment.

8. Any personal information you provide in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, *Administrative Separation of Airmen*, is available for your use at your orderly room.

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



Lt Col, USAF
Commander, 771st Security Forces Sq

Attachments:

1. Supporting documents:
 - a. No Contact Order dated 3 May 01
 - b. LOR dated 8 Aug 01 w/ UIF
 - c. LOR dated 15 Aug 01
 - d. LOR dated 10 Nov 01
 - e. Military Star Account Suspension Ltr dated 24 Nov 01
 - f. Article 15 dated 1 Feb 02 w/ UIF
 - g. LOC dated 1 Feb 02
 - h. LOR dated 19 Apr 02
 - i. Vacation Action dated 7 May 02 w/ UIF
 - j. Documents in Attachment 6
2. Airman's Receipt of Notification Memorandum