

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>		GRADE <b>A1C</b>	AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>									
TYPE GEN	<b>X</b>	PERSONAL APPEARANCE	RECORD REVIEW									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">COUNSEL</td> <td colspan="2">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td style="width: 5%;">YES</td> <td style="width: 5%;">No</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;"><b>X</b></td> <td></td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION		YES	No			<b>X</b>		ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION											
YES	No											
	<b>X</b>											
MEMBER SITTING		VOTE OF THE BOARD										
		HON	GEN	UOTHC	OTHER	DENY						
						X						
						X						
						X						
						X						
ISSUES <b>A92.15</b> <b>A94.01</b> <b>A92.35</b> <b>A94.05</b> <b>A93.21</b> <b>A93.09</b>		INDEX NUMBER <b>A67.30</b>		EXHIBITS SUBMITTED TO THE BOARD								
				<b>1</b>	ORDER APPOINTING THE BOARD							
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE							
				<b>3</b>	LETTER OF NOTIFICATION							
				<b>4</b>	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 <b>04 Mar 2004</b>		CASE NUMBER <b>FD-2003-00459</b>										
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 and the right to submit an application to the AFBCMR.</p> <div style="text-align: center; margin-top: 20px;"> </div>												
INDORSEMENT			DATE: 3/4/2004									
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

FD2003-00459

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, change of reason and authority for discharge, and change of reenlistment eligibility (RE) code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel at Andrews AFB, MD on March 4, 2004.

The following additional exhibits were submitted at the hearing:

Exhibit 6: Character Statement from the Social and Security Committee of The Landing housing community dated December 15, 2003.

Exhibit 7: Character Statement from Ms. MMT dated January 5, 2004.

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

**FINDINGS:** Upgrade of/changes of reason and authority for discharge and change of RE code are denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety which would justify a change of her discharge.

The applicant's issues are listed in the attached brief.

Issues 1 - 4. Applicant infers that her discharge did not take into account the good things she did while in the service. The DRB took note of the applicant's duty performance as documented by her performance reports, letters of recommendation and other accomplishments. The DRB also recognized the fact that the applicant had served over six years total service before the discharge was initiated, but concluded the applicant's misconduct outweighed the positive aspects of her time in the Air Force. The Board further noted that the applicant was entitled to request an administrative discharge board, but declined that opportunity and submitted a conditional waiver of that right in return for receipt of a general (under honorable conditions) characterization of her service. The Board found the seriousness of applicant's willful misconduct offset the positive aspects of the applicant's otherwise acceptable duty performance. The Board concluded the discharge was appropriate for the reason which was its basis.

Issue 5 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant has been a good citizen since her discharge. However, no inequity or impropriety in her discharge was suggested or disclosed in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized her term of service.

Issues 6, 9 and 10. Applicant contends discharge was inequitable because it was too harsh and that her chain of command abused its authority in administratively discharging her. The records indicated the applicant received an Article 15 for shoplifting a \$340.00 Coach brand handbag from the Army and Air Force Exchange Service. She was seen on the secure video system leaving the store with the handbag over her shoulder without having paid for it. In her reply to the Article 15, member admitted stealing the purse because she had been admiring it for awhile but didn't have enough money to purchase it. The Board concluded this misconduct was a significant departure from conduct expected of all military members. Furthermore, member's final Enlisted Performance Report was an overall referral "2" that documented poor duty performance. The DRB also noted the applicant was over 24 years of age when the discharge took

place and there was no evidence she was immature or did not know right from wrong. The Board opined the applicant was older than many service members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

Issues 7 and 8. Applicant stated personal, medical, and financial problems impaired her ability to serve. However there are no indications that applicant's problems were unique or unusual compared to other service members, nor that she sought assistance from available agencies such as the chaplain, mental health clinic, or Family Support Center in dealing with her stresses. And while it is understandable that a member with personal problems has additional stress, the Board did not find this to be of sufficient mitigation or extenuation to warrant upgrading her 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/change of reason for discharge and change of RE code, 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

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 20 Jun 97 UP AFI 36-3208, pra 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 9 Sep 72. Enlmt Age: 17 3/12. Disch Age: 24 9/12. Educ: HS DIPL. AFQT: N/A. A-79, E-81, G-86, M-40. PAFSC: 2E231 - Elect Comp & Switching Systems. DAS: 9 Mar 94.

b. Prior Sv: (1) AFRes 21 Dec 89 - 6 Sep 90 (8 Months 17 Days) (Inactive).  
(2) Enld as A1C 7 Sep 90 for 4 yrs. Ext: 2 Nov 92 for 6 months. Svd: 3 Yrs 0 Mos 21 Das, all AMS. SRA - 7 Jan 93. EPRs: 4,4,4.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SRA 28 Sep 93 for 4 yrs. Extended 11 Oct 96 for 36 months. Svd: 3 Yrs 8 Mos 24 Das, all AMS.

b. Grade Status: A1C - 20 Feb 97 (Article 15, 20 Feb 97)

c. Time Lost: None.

d. Art 15's: (1) 20 Feb 97, Langley AFB, VA - Article 121. You did, on or about 5 Feb 97, steal one brown leather "Coach" handbag, of a value of about Three Hundred and Forty Dollars (\$340.00), the property of the Army Air Force Exchange Service. Reduction to A1C. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 21 Oct 93 - 20 Oct 94 Langley AFB 5 (Annual)  
21 Oct 94 - 20 Oct 95 Langley AFB 4 (Annual)  
21 Oct 95 - 20 Oct 96 Langley AFB 4 (Annual)  
21 Oct 96 - 02 May 97 Langley AFB 2 (Dir by Cmdr) REF

(Discharged from Langley AFB)

h. Awards & Decs: AFAM, AFLSA, AFTR, SWASM W/1 DEV, AFOSTR, NDSM, NCOPMER, AFEM, AFOUA, AFGCM W/1 DEV.

i. Stmt of Sv: TMS: (7) Yrs (6) Mos (0) Das  
TAMS: (6) Yrs (9) Mos (14) Das

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

NO ISSUES SUBMITTED

**ATCH**

1. DD Form 214.
2. Applicant's Statement.
3. Character References(3).

29 Oct 03/cr



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 1ST FIGHTER WING  
LANGLEY AIR FORCE BASE VA

MEMORANDUM FOR SRA [REDACTED]

FROM: 10 IS/CC

SUBJECT: Notification Memorandum - Board Hearing

1. I am recommending your discharge from the United States Air Force for commission of a serious offense. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.52. If my recommendation is approved, your service will be characterized with an honorable, under honorable conditions (general), or under other than honorable conditions (UOTHC) discharge. I am recommending that your service be characterized with a UOTHC discharge.

2. My reason for this action is as follows: You did, at Langley Air Force Base, Virginia, on or about 5 February 1997, steal one brown leather "Coach" handbag, of a value of about Three Hundred and Forty Dollars (\$340.00) the property of the Army Air Force Exchange Service. For this misconduct you received nonjudicial punishment on 20 February 1997, and your punishment consisted of reduction to the grade of airman first class. (Attachment 1)

3. This action could result in your separation with a UOTHC discharge. I am recommending that you receive a UOTHC discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to the 1st Medical Group, Physical Exam Section at 1030 hours on 17 Mar 1997, and an additional exam will be scheduled if necessary. x 6912

6. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel, Captain [REDACTED] 56 Willow Street, Suite 101, Ext 5607 at 1330 hours on 24 Mar 1997. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974. A copy of AFI 36-3208 is available for your use in the unit orderly room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. The discharge board or the discharge authority will make the finding and recommendations required under 10 U.S.C. 2005(g).

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

[REDACTED] Major, USAF

10 IS/CC

Attachments:

1. Article 15, 20 Feb 97
2. HQ AIA/SCP MSG DTG 131550Z Mar 97, (Permission to Proceed)