

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ████████████████████
--	---------------------	--

<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">COUNSEL</th> <th rowspan="2" style="width:50%;">NAME OF COUNSEL AND OR ORGANIZATION</th> <th rowspan="2" style="width:50%;">ADDRESS AND OR ORGANIZATION OF COUNSEL</th> </tr> <tr> <td style="width:5%;">YES</td> <td style="width:5%;">No</td> </tr> <tr> <td></td> <td align="center"><b>X</b></td> <td></td> <td></td> </tr> </table>		COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	No		<b>X</b>				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL										
YES	No												
	<b>X</b>												

MEMBER SITTING	NOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>

<b>ISSUES</b> A93.01 A93.07	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<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	

<b>HEARING DATE</b> 08 Jan 2004	<b>CASE NUMBER</b> FD-2003-00466	
------------------------------------	-------------------------------------	--

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONS (AFFR) FILE

Case heard at Washington, D.C.

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.

[Handwritten Signature]

ENDORSEMENT		DATE
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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

FD-2003-00466

**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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

Applicant received a general discharge for minor disciplinary infractions. She had four Letters of Reprimand and an Article 15. Her misconduct included two incidents of failure to go, possession of a fraudulent military identification card, making a false official statement, failing to obey an order to provide an adequate child care plan, unwillingness to complete her Career Development Course in a timely manner, and numerous instances of failing to maintain her government quarters which resulted in her termination from base housing. Member also had an Unfavorable Information File and was placed on the Control Roster in an effort to rehabilitate her. Her unit advised her of the base support agencies available to her and made her accessible to them, but she nevertheless failed to correct her behavior. Applicant now contends her problem were due to immaturity and marital strife. The DRB noted that member participated in a relationship enhancement class for a brief period but then discontinued participation. She and her spouse were also the subject of a Family Advocacy Program case spanning an 11-month period that was left unresolved when she was discharged. The DRB noted applicant was 21 years old when the discharge took place. However, there is no evidence she was immature or did not know right from wrong. The Board opined the applicant was as old as the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB also opined that through the unit's numerous administrative actions, the applicant had ample opportunities to change her negative behavior. The Board concluded her misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was therefore 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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 1 Nov 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 Jul 79. Enlmt Age: 19 6/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-76, E-34, G-40, M-8. PAFSC: 3S031 - Personnel Apprentice. DAS: 26 May 99.

b. Prior Sv: (1) AFRes 8 Jan 99 - 16 Feb 99 (1 month 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 17 Feb 99 for 4 yrs. Svd: 1 Yr 8 Mos 16 Das, all AMS.

b. Grade Status: A1C - 31 Jul 00

c. Time Lost: None.

d. Art 15's: (1) 10 Jan 00, Patrick AFB, FL - Article 107. You did, on or about 19 Nov 99, with intent to deceive, make to MSgt [REDACTED] 45<sup>th</sup> MSS [REDACTED], an official statement, to wit: that you had not been in the possession of a fraudulent military identification card, which statement was false in that you had been in the possession of a fraudulent military identification card, and was then known by you to be so false. Article 134. You did, between on or about 26 May 99 and on or about 19 Nov 99, wrongfully possess with intent to deceive a certain instrument purporting to be a military identification card when you well knew the same to be false. Suspended reduction to AB, and forfeiture of \$50.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 10 OCT 00 - Lawn maintenance neglect.  
LOR, 12 SEP 00 - Late for work.  
LOR, 31 JAN 00 - Late for work.

f. CM: None.

g. Record of SV: None.

(Discharged from Patrick AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (9) Mos (25) Das  
TAMS: (1) Yrs (8) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Sep 03.  
(Change Discharge to Honorable)

Issue 1: I feel I was a good airman, but imature(sic) in ways continuing my personnel problems with my husband. I wished I would had listened to my commander and divorced him long ago. Please consider my change so I may start a new beginning for me and my kids.

**ATCH**

1. DD Form 214.

3NOV03/ia



DEPARTMENT OF THE AIR FORCE  
45TH SPACE WING (AFSPC)

16 Oct 00

MEMORANDUM FOR A1C [REDACTED]

FROM: 45 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, paragraph 5.49. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending your service be characterized as Under Honorable Conditions (General).
2. My reasons for this action are:
  - a. On 10 Jan 00, you received nonjudicial punishment under Article 15 of the UCMJ for possession of a fraudulent military ID card and making a false official statement. The punishment imposed was a suspended reduction to the grade of Airman Basic and a forfeiture of \$50.00 pay for 2 months.
  - b. On 31 Jan 00, I gave you a Letter of Reprimand for failing to report to your appointed place of duty at the designated time, in violation of Article 86 of the UCMJ.
  - c. On 12 Sep 00, I gave you a Letter of Reprimand for failing to report to your appointed place of duty at the designated time, in violation of Article 86 of the Uniform Code of Military Justice (UCMJ).
  - d. On 10 Oct 00, I gave you a Letter of Reprimand for failure to maintain your government quarters as evidenced by the issuance of eight lawn write-ups during the past 12 months. Your failure to comply with housing standards has also resulted in your termination from Military Family Housing.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Courts-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 educational assistance funds may be subject to recoupment.
4. You have the right to consult legal counsel. Military Legal counsel has been obtained to assist you. I have made an appointment for you to consult with Capt [REDACTED] Area Defense Counsel, Patrick AFB, Bldg 423, Suite N-110, phone 4-4423, at 1400 hrs on 16 October 2000. 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 19 October 2000, 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 have been scheduled for a medical examination. You must report to the 45th Medical Group, Physical Exam Section, Patrick AFB, at 1300 hrs on 18 October 2000 for the examination.
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 at the office of the Area Defense Counsel, Bldg 423, Suite N-110.

  
Maj, USAF  
Commander

Attachments:

1. AF Form 3070, dtd 10 Jan 00
2. LOR dtd 31 Jan 00
3. LOR dtd 12 Sep 00
4. LOR dtd 10 Oct 00