

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE AMN	AFSN/SSAN
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">COUNSEL</th> </tr> <tr> <td style="width: 40%;">YES</td> <td>NO</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	COUNSEL		YES	NO		X	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL									
YES	NO								
	X								

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
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ISSUES A67.10	INDEX NUMBER A93.09 A93.11	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 15px; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">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
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HEARING DATE 11 Feb 2004	CASE NUMBER FD-2003-00476	
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APPLICANT'S ISSUE AND THE BOARD'S DECISION, COUNSEL'S ADVICE DISCUSSED ON THE HEARING, AND THE BOARD'S DECISIONAL RATIONALE.

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.

INDORSEMENT	DATE 1/11/2004
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

FD-2003-00476

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.

Issue 1. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received two Articles 15, two Letters of Reprimand, a Letter of Admonishment, and a vacation of suspended punishment for misconduct. Her infractions included financial irresponsibility in writing bad checks and failing to pay some of her debts, being late to work, showing disrespect to a noncommissioned officer, providing alcohol to an underage military member who was drinking in the dormitory, being drunk and disorderly and communicating indecent language to another airman. Applicant notes she took full responsibility for her actions and was having difficulty adjusting to military life. She now also contends her behavior was negatively affected by her parent's divorce and grandfather's illness. While the Board understands that a person experiencing personal problems has additional stress, the applicant's problems were not unique. The board did not find these or her financial problems of sufficient mitigation to warrant an upgrade. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change her negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge received by the applicant was appropriate.

Issue 2. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade.

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

(Former AMN) (HGH SRA)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 18 Sep 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 May 73. Enlmt Age: 18 11/12. Disch Age: 23 4/12. Educ: HS DIPL. AFQT: N/A. A-95, E-39, G-70, M-9. PAFSC: 2R031 - Maintenance Data Systems Analysis. DAS: 1 Apr 95.

b. Prior Sv: (1) AFRes 11 Apr 92 - 31 Aug 92 (4 months 21 days) (Inactive).

(2) Enlisted as AB 01 Sep 92 for 4 yrs. Svd: 3 yrs 0 months 6 days, all AMS. AMN - 1 MAR 93. A1C-(EPR Indicates): 1 Sep 92-30 Apr 94. SrA-(EPR Indicates): 1 Apr 95-24 Dec 95. EPRs: 5,3,(REF), 3.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 8 Sep 95 for 4 yrs. Svd: 1 Yrs 0 Mo 10 Das, all AMS.

b. Grade Status: AMN - 23 Aug 96 (Article 15, 23 Aug 96)
 A1C - 17 Jan 96 (Vacation of Article 15, 17 Jan 96)

c. Time Lost: None.

d. Art 15's: (1) 23 Aug 96, Kirtland AFB, NM - Article 134. You, being indebted to Midtown Rental in the sum of \$562.00 for personal goods, which amount became payable on or about 31 May 96, did, from on or about 31 May 96 to on or about 1 Aug 96, dishonorably fail to pay said debt. Reduction to Airman (No appeal) (No mitigation)

(2) 17 Jan 96, Vacation, Kirtland AFB, NM - Article 134. You did, on or about 16 Jul 94, make and utter to the Defense Commissary Agency a certain check in the sum of about \$30.54, for the purchase of goods, and did thereafter dishonorably fail to place sufficient funds in the Kirtland Federal Credit Union for payment of such check in full upon its presentment for payment. Reduction to A1C. (No appeal) (No mitigation)

(3) 17 Jan 96, Kirtland AFB, NM - Article 134. You did, on or about 15 Dec 95, in writing communicate to A1C [REDACTED], certain indecent language, to wit:

"Fuck you mother fucker. You suck ass," on the door of dormitory building 917, room 112. Article 134. You were, on or about 15 Dec 95, drunk and disorderly, which conduct was to the prejudice of good order and discipline in the United States Air Force. Suspended reduction to A1C. Forfeiture of \$100 pay per month for two months. (No appeal) (No mitigation)

e. Additional: LOR, 01 AUG 95 - Allowing underage individual to consume alcohol in dormitory room.

LOR, 21 APR 95 - Disrespect to an NCO.

LOR, 21 APR 95 - Late for work.

f. CM: None.

g. Record of SV: 25 Dec 95 - 13 Sep 96 Kirtland AFB 2 (Cmdr Dir)

(Discharged from Kirtland AFB)

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

i. Stmt of Sv: TMS: (4) Yrs (5) Mos (8) Das

TAMS: (4) Yrs (0) Mos (18) Das

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

Issue 1: A request for an upgrade is due to the fact that I am currently enrolled in school & would like to take advantage of my GI Bill. The reason why I received General w/Honorable conditions was due to Minor Disciplinary Infractions (as stated on my DD Form 214). I take full responsibility for my actions during my term. If I was able to do it all over again, I would do most of it differently. The majority of my disciplinary actions were due to financial irresponsibility. The only way I can describe my financial problems is that I got in way over my head. I served one full term & was able to reenlist. My feedback reports did point out that I did have some problems adjusting to military life, but I made the necessary changes & my performance of duty was rated good-excellent. My last Feedback (enclosed) stated "Great Improvement" in several areas. During my term I received several Letter of Appreciations (sic), Cert. of Appreciation & Diamond Handsake Certificates. I also brought attention to 2 fellow Airmen attempts of suicide and I was able to help stop them. Around Dec 95 I found out my parents were getting a divorce & my granfather was dying of cancer. After that, I let myself slip again & my orders to Korea were cancelled & I went down hill from there. I just wanted out! After I was discharged, I moved to New York City, me & my husband, had a baby & decided to better myself by furthering my education. Please do not let those infractions stop me from getting an upgrade to an Honorable discharge so I can start using the benefits that I put into as an United States Air Force member.

FD2003-00476

ATCH

1. Feedback Worksheet.
2. DD Form 2366.
3. DD Form 214.

10DEC03/ia

DEPARTMENT OF THE AIR FORCE
58TH OPERATIONS SUPPORT SQUADRON (AETC)
KIRTLAND AIR BASE NEW MEXICO

MEMORANDUM FOR AMN: [REDACTED]

4 SEP 1996

FROM: 58 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFI 36-3208, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 19 Apr 95, you were disrespectful towards an NCO by sarcastically answering and then turning your back on a noncommissioned officer. As a result, you recieved a Letter of Reprimand dated 21 Apr 95.

b. On or about 20 Apr 95, you called your supervisor to inform him that you would be late for work because you forgot to set your alarm clock. It took you 1 hour and 40 minutes to show up for work after you notified you supervisor. As a result, you recieved a Letter of Admonishment dated 21 Apr 95.

c. On or about 5 Jul 95, you were involved in an alcohol related incident by allowing an underage person to drink beer in your dormitory room. As a result, you received a Letter of Reprimand dated 1 Aug 95.

d. On or about 15 Dec 95, in writing communicate to another airman, certain indecent language, on the door of dormintory building 917, room 112 also, on or about 15 Dec 95, you were drunk and disorderly. As a result, you recieved an Article 15 dated 29 Dec 95.

e. On or about 16 Jul 94, you made and uttered to the Defense Commissary Agency a certain check in the sum of about \$30.54, for the purchase of goods, and did thereafter dishonorably fail to place sufficient funds in the Kirtland Federal Credit Union for payment of such check. As a result, your suspended punishment was vacated and you were reduced to Airman First Class with a new date of rank of 17 Jan 96.

f. Between on or about 16 May 96 and 30 Jul 96, you dishonably failed to pay your debt to Midtown Rental in the sum of \$562.00, which amount became payable on 16 May 96. Also, between on or about 16 May 96 and 30 Jul 96, you stole bedroom furniture Of a value of about \$562.00, property of Midtown Rental. As a result, you received an Article 15 dated 20 Aug 96. Your punishment was a reduction in to the grade of Airman.

3. 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 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 subjected to recoupment.

4. You have the right to consult counsel. Military legal counsel ^{is available} ~~has been obtained~~ to assist you. An appointment for you to consult the Area Defense Counsel at Building 20140, extension 6-5554 ^{has} ~~has~~ been scheduled ^{not} for _____ at _____. 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 0800/9529 96 unless you 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 must retrieve your medical records from the 377th Medical Group Hospital Outpatient records and report to Physical Exams on 5 Sep 96 at 0700 hours, with your medical records and your copy of this AFI 36-3208 discharge package for medical review and/or examination.

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

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


Lt Col, USAF
Commander

Atchs:

1. Letter of Reprimand dtd 21 Apr 95
2. Letter of Admonishment dtd 21 Apr 95
3. Letter of Reprimand dtd 1 Aug 95
4. Article 15 dtd 29 Dec 95

5. Vacation Action dtd 14 Jun 96
6. Article 15 dtd 20 Aug 96