

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██ | | GRADE AMN | AFSN/SSAN ████████████████ |
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| TYPE GEN | PERSONAL APPEARANCE | X | RECORD REVIEW |
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| COUNSEL | | NAME OF COUNSEL AND OR ORGANIZATION | ADDRESS AND OR ORGANIZATION OF COUNSEL |
| YES | No | | |
| | X | | |

| MEMBER SITTING | VOTE OF THE BOARD | | | | |
|--|--------------------------|-----|------|-------|------|
| | HON | GEN | UOHC | OTHER | DENY |
| <div style="border: 1px dashed black; width: 100%; height: 100%;"></div> | | | | | X |
| | | | | | X |
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| ISSUES A92.35 | INDEX NUMBER A67.30 | EXHIBITS SUBMITTED TO THE BOARD | |
| | | 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 15 Apr 2004 | CASE NUMBER FD-2003-00501 |
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD 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.

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| INDORSEMENT | | DATE: 4/16/2004 |
| 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

FD2003-00501

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

The applicant was offered a personal appearance before the Discharge Review Board 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 applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for misconduct, commission of a serious offense. She had an Article 15, for disobeying a direct order to report to the immunization clinic to receive her anthrax vaccination. At the time of the discharge, applicant apparently consulted counsel and submitted a statement in her own behalf. Applicant now infers her discharge was too harsh because it was based on one isolated incident in an otherwise honorable period of service. Unfortunately, member's discharge processing files were unavailable to the Board for review due to being missing from the record. Because member's discharge file was unavailable to the Board for review, the Board was unable to conclusively ascertain if there was other misconduct on member's part that formed additional bases for the discharge. When requested to provide any pertinent information she may have about the discharge file or her record of service, applicant failed to respond. The Board notes that the anthrax vaccine program is based on a military readiness obligation, and personal philosophy or unfounded health concerns do not excuse a military member from obedience. Such a contention has no place in a military organization grounded in good order and discipline. Personal opinion cannot be the basis of questioning the morality or wisdom of a Department of Defense directive; all military members must obey orders given with a valid military purpose. Lacking documented evidence from the applicant to the contrary, the Board relies on the presumption of regularity and finds the discharge proper and without basis for an upgrade. The Board concluded applicant's misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge received by the applicant was appropriate. No inequity or impropriety could be found in this discharge in the course of the records review. No inequity or impropriety was found in this discharge in the course of the records review.

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 AMN) (HGH A1C)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 Jul 00 UP AFI 36-3208, para 5.52.3 (Misconduct - Other Serious Offenses). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 Aug 79. Enlmt Age: 17 10/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: 2E633 - Telephone Systems Apprentice. DAS: Unknown.

b. Prior Sv: (1) AFRes 7 Jul 97 - 21 Apr 98 (9 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 22 Apr 98 for 4 yrs. Svd: 2 Yrs 3 Mo 3 Das, all AMS.

b. Grade Status: Amn - 11 Jul 00 (Article 15, 11 Jul 00)
A1C - 22 Aug 99
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 11 Jul 00, Andrews AFB, MD - Article 90. You, having received a lawful command from Lt Col [REDACTED] your superior commissioned officer, then known by you to be your superior commissioned officer, to go to the Immunization Clinic and take the Anthrax vaccination, on words to that effect, did, on or about 5 Jul 00, willfully disobey the same. Reduction to Airman, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: none.

g. Record of SV: Unknown.

(Discharged from Andrews AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (0) Mos (18) Das
TAMS: (2) Yrs (3) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Oct 03.
(Change Discharge to Honorable)

Issue 1: My discharge was based on one incident of my entire enlistment (sic). In 27 months of service I was never reprimanded.

ATCH

None.

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