

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.05	INDEX NUMBER A67.10	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	

HEARING DATE 03 Feb 2004	CASE NUMBER FD-2003-00506	
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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

INDORSEMENT		DATE: 02/04/2004
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-2003-00506

GENERAL: The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are denied.

ISSUE: Applicant contends discharge was inequitable because it was too harsh in that it was based on one isolated incident. The records indicated the applicant received an Article 15, a Vacation action under the UCMJ, a traffic ticket, one Letter of Reprimand, and two Letters of Counseling for various acts of misconduct. The DRB opined that through these 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. The characterization of the discharge received by the applicant was found to be appropriate.

If she can provide additional documented information to substantiate an issue, the applicant should consider exercising her right to make a personal appearance before the Board. If she should choose to exercise her right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 26 May 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, Change to Reentry Code, and Reason and Authority.

2. **BACKGROUND:**

a. DOB: 19 Jul 69. Enlmt Age: 26 6/12. Disch Age: 31 10/12. Educ: HS DIPL. AFQT: N/A. A-63, E-56, G-68, M-51. PAFSC: 4N051 - Medical Service Journeyman. DAS: 9 Mar 99.

b. Prior Sv: (1) AFRes 26 Jan 96 - 16 Apr 96 (2 Months 22 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AMN 17 Apr 96 for 4 yrs. Ext: 19 Feb 99 for 23 months. Svd: 5 Yrs 1 Mo 10 Das, all AMS.

b. Grade Status: A1C - 12 Jan 01 (Vacation of Article 15, 18 Apr 01)
SRA - 17 Apr 99
A1C - 17 Feb 97

c. Time Lost: None.

d. Art 15's: (1) 18 Apr 01, Vacation, Aviano AB, Italy - Article 117. You did, on or about 6 Apr 01, wrongfully make a provoking gesture, to wit: you raised your middle finger toward SRA [REDACTED], a Medical Technician, USAF. Reduction to A1C. (No appeal) (No mitigation)

(2) 12 Jan 01, Aviano AB, Italy - Article 90. You, having received a lawful command from Lt Col [REDACTED] Deputy Commander, 31st Support Gp, your superior commissioned officer, then know by you to be your superior commissioned officer, to refrain from driving any AFI-plated motor vehicles for one year from 11 Aug 00, or words to that effect, did on or about 15 Dec 00, willfully disobey the same. Article 107. You did, on or about 21 Dec 00, with intent to deceive, make to MSgt [REDACTED] an official statement, to wit: that you did not drive your AFI-plated vehicle on 15 Dec 00, which statement was totally false and was then known by you to be so false. Suspended reduction to A1C, forfeiture of \$200.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOC, 07 FEB 01 - Inappropriate interaction with an officer, and ignoring directions and guidelines in the duty section.
 LOR, 25 AUG 00 - Operating a vehicle while under the influence of alcohol.
 LOC, 10 MAR 00 - Inappropriate conduct.
 TRAFFIC TICKET, 6 MAY 99 - Failure to obey parking laws.

f. CM: None.

g. Record of SV: 17 Apr 96 - 16 Dec 97 Andrews AFB 5 (Initial)
 17 Dec 97 - 20 Aug 98 Andrews AFB 5 (CRO)
 21 Aug 98 - 30 Jan 99 Andrews AFB 5 (CRO)
 31 Jan 99 - 30 Jan 00 Aviano AB 5 (Annual)
 31 Jan 00 - 29 Jul 00 Aviano AB 4 (CRO)

(Discharged from Hanscom AFB)

h. Awards & Decs: AFLSA, AFTR, KCM W/1 OLC, NATO MEDAL, AFOUA W/1 OLC, AFGCM, AFOLTR.

i. Stmt of Sv: TMS: (5) Yrs (4) Mos (1) Das
 TAMS: (5) Yrs (1) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Oct 03.
 (Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

Issue 1: My discharge was inequitable because it was based primarily against a one isolated incident. My overall career and achievements far outweigh (the good person I am) and not the person I was being portrayed to be. Many issues stated were false and biased and I truly feel I was "singled out" and used as a hard example. I never wanted to leave the military, I wished and hoped for a wonderful career. I pray it will be evident in your research to see the "rail roading" that went on. Please review and reconsider this injustice.

Issue 2: I just wish to add that I sincerley (sic) appreciate this opportunity to have an unbiased, non-judgemental review of my career and overall standing in hopes that you will find my character is indeed HONORABLE and honorable (sic) it is each and every day. I am continuing on with my Nursing and hope to reclaim the dignity and faith and dedication I feel for serving in the USAF. I wish to be able to join the Air National Guard and continue on with my medical career and again have a career with the USAF. Thank you for your time and reconsideration.

ATCH

1. Certificates of Achievements (4).
2. Letters of Appreciation (4).
3. Enlisted Performance Reports (2).
4. Assignment Memorandum.

21 Nov 03/cr



**DEPARTMENT OF THE AIR FORCE
31ST FIGHTER WING (USAFE)**

MEMORANDUM FOR AIC [REDACTED], 31 MDOS

FROM: 31 MDOS/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 AFPD 36-32 and AFI 36-3208, para. 5.49. If my recommendation is approved, your service will be characterized as honorable or as under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are as follows:

a. On or about 6 Apr 01, you made a provoking gesture to a fellow airman by raising your middle finger. For this offense, I vacated your suspended reduction to the grade of airman first class on 18 Apr 01.

b. On or about 1 Feb 01, you publicly chastised a commissioned officer and you misrepresented the facts surrounding the underlying incident after the officer had left a note in the break room about cleaning the dishes. In addition, you continued to ignore the instructions of a noncommissioned officer and medical technician by marking up a section checklist without prior approval. For these offenses, you received a Letter of Counseling (LOC) on 7 Feb 01.

c. On or about 21 Dec 00, you made a false official statement to your first sergeant by lying about whether you had driven your AFI-plated vehicle on 15 Dec 00.

d. On or about 15 Dec 00, you willfully disobeyed the lawful order of a senior commissioned officer by driving your AFI-plated vehicle after your AFI driving privileges had been revoked. For this offense and the offense listed in para. 2c, I imposed nonjudicial punishment under Article 15, UCMJ, on 12 Jan 01, consisting of: a reduction to the grade of airman first class (suspended), forfeiture of \$200.00 pay per month for 2 months, and a reprimand.

e. On or about 11 Aug 00, you drove while under the influence of alcohol and with a blood alcohol concentration of 0.16g/%. For this offense, I issued you a Letter of Reprimand (LOR) on 25 Aug 00.

f. On or about 9 Mar 00, you disregarded the instructions of a senior noncommissioned officer to enroll in a Family Advocacy support group. For this failure, you were verbally counseled on 10 Mar 00.

"Return With Honor"

g. On or about 6 May 99, you were illegally parked, impeding the flow of traffic. For this offense, you were verbally counseled on or about 25 May 99.

3. I have attached copies of the documents that will be forwarded to the separation authority. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, the characterization of your service. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably will be denied enlistment in any component of the armed forces. In addition, any special pay, bonus, or education 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 Capt [REDACTED] Area 2, at Building 224, on 8 May 2001, at 0900 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements that you want the separation authority to consider must reach me by 1200 hours on 10 May 01 2001, 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 two medical examinations. You must report to 31MDG/SGOAF (Physical Exams) on 11 May, 2001, at 0900 hours. Your second appointment is on 11 May, 2001, at 0940 hours. You will need to report **15 minutes prior** to your appointments and pick up your medical records.

8. Any personal information that you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the unit orderly room as well as in the Area Defense Counsel's office.

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

[REDACTED]
Colonel, USAF, NC
Commander

Date: 7 May 01

Attachments listed on next page

Attachments:

1. **Supporting Documentation:**
 - a. Vacation of Suspended Nonjudicial Punishment, 18 Apr 01
 - b. LOC, 7 Feb 01
 - c. Article 15, 12 Jan 01
 - d. LOR, 25 Aug 00
 - e. Record of Verbal Counseling, 25 May 00
 - f. Record of Verbal Counseling, 10 Mar 00
2. **Member's Acknowledgment of Receipt of Notification Memorandum**
3. **EPRs**
4. **Member's Response**