

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00546

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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s for wrongfully using her government travel card. The majority of 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

(Former SRA) (HGH SSGT)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 30 May 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Oct 74. Enlmt Age: 17 8/12. Disch Age: 26 7/12. Educ: HS DIPL. AFQT: N/A. A-83, E-81, G-74, M-65. PAFSC: 4T051 - Medical Lab Journeyman. DAS: 2 Oct 00.

b. Prior Sv: (1) AFRes 22 Jun 92 - 23 Jul 92 (1 month 2 days) (Inactive).

(2) Enlisted as AB 24 Jul 92 for 6 yrs. Svd: 5 yrs 0 months 0 days, all AMS. A1C - 9 SEP 92. SRA - 9 JAN 95. EPRs: 3,5,4,4.

ART 15: 15 Nov 93, Travis AFB, CA - Article 111. You did, on or about 30 Oct 93, at the intersection of Ragsdale and Hangar, operate a vehicle, to wit: a passenger car, while drunk. Suspended reduction to Airman, forfeiture of \$200.00 pay per month for 2 months, and 30 days correctional custody (in excess of 24 days remitted, 10 Dec 93). (No appeal) (No mitigation)

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 25 Jul 97 for 6 yrs. Svd: 3 Yrs 10 Mo 5 Das, all AMS.

b. Grade Status: SrA - 20 Feb 01 (Article 15, 20 Feb 01)
SSgt - 1 Sep 00

c. Time Lost: None.

d. Art 15's: (1) 4 Apr 01, Davis-Monthan AFB, AZ - Article 92. You, who knew of your duties in or near the Continental United States, between on or about 30 Aug 00 and on or about 5 Mar 01, were derelict in the performance of those duties in that you willfully failed to pay the balance of your Bank of America Government Travel Card bill, as it was your duty to do. Suspended reduction to A1C, and a reprimand. (No appeal) (No mitigation)

(2) 20 Feb 01, Davis-Monthan AFB, AZ - Article 92. You, who knew of your duties in or near the Continental United States, on divers occasions between on or about 26 Jun 00 and on or about 30 Sep 00, were derelict in

the performance of those duties in that you failed to refrain from using your Bank of America Government Travel Card for personal use, as it was your duty to do. You, who knew of your duties in or near the Continental United States, between on or about 30 Aug 00 and on or about 30 Jan 01, were derelict in the performance of those duties in that you willfully failed to pay the balance of your Bank of America Government Travel Card bill, as it was your duty to do. Reduction to SrA. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 24 Mar 97 - 23 Mar 98 Tinker AFB 5 (Annual)
 24 Mar 98 - 23 Mar 99 Tinker AFB 4 (Annual)
 24 Mar 99 - 23 Mar 00 Tinker AFB 5 (Annual)
 24 Mar 00 - 23 Mar 01 Davis-Monthan AFB 2 (Annual)REF

(Discharged from Davis-Monthan AFB)

h. Awards & Decs: AFLSAR W/1 DEV, AFTR, NDSM, HSM, NCOPMER, AFOUA W/4 DEVS, AFGCM W/1 DEV.

i. Stmt of Sv: TMS: (8) Yrs (11) Mos (9) Das
 TAMS: (8) Yrs (10) Mos (7) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 29 Dec 03.
 (Change Discharge to Honorable)

Issue 1: I put in my paperwork to separate for pregnancy. My commander [REDACTED] was the last to sign and approve my paperwork. Instead of signing my paperwork she brought me in her office and told me she would not let me get out on a pregnancy discharge. So she gave me an Article 15 for the same thing that I was already punished for with a previous Article 15 where my stripe was taken as my punishment. On my second Article 15 she discharged me with a general under honorable conditions. My military counsel called and spoke with her and then he told me to not accept the Article 15, and to fight her but I was too scared to. So I took the Article 15 and separated. [REDACTED] also told me I could upgrade my discharge after I was out. So I am now applying to have it upgraded. If I would have fought her she would have probably taken another stripe and I couldn't afford that. My counsel told me my pregnancy discharge would have been approved but I was just scared.

ATCH

1. Additional Issues.

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DEPARTMENT OF THE AIR FORCE
355TH MEDICAL SUPPORT SQUADRON (ACC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

MAY 08 2001

MEMORANDUM FOR [REDACTED]

FROM: 355 MDSS/CC

SUBJECT: Notification Memorandum – Board Hearing

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions according to AFPD 36-32 and AFI 36-3208, under the provisions of paragraph 5.49. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. On divers occasions between on or about 26 Jun 00 and on or about 30 Sep 00, you were derelict in the performance of your duties in that you failed to refrain from wrongfully using your Bank of America Government Travel Card (GTC) for personal use. Also, between on or about 30 Aug 00 and on or about 30 Jan 01, you were derelict in the performance of your duties in that you failed to pay the balance of your GTC bill. As a result, you received punishment under Article 15 of the UCMJ and an Unfavorable Information File (UIF) was established (Tab A).

b. Between on or about 30 Aug 00 and on or about 5 Mar 01, you were derelict in the performance of your duties in that you failed to pay the balance of your GTC bill. As a result, you received punishment under Article 15 of the UCMJ and an entry was made in your existing UIF (Tab B).

3. This action could result in your separation with an under other than honorable conditions (UOTHC) discharge. I am recommending you receive an under honorable conditions (general) 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 and 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 rights.

5. Military legal counsel [redacted], Building 3510, 3rd floor, 228-5664, has been obtained to assist you. An appointment has been scheduled for you to consult him on 1000 hrs at 9 May 01 hours. 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.

6. Confer with your counsel and reply, in writing, by 17 May 01, 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 a board hearing.

7. You have been scheduled for a medical examination. You must report to the Physical Exams Office of the Aeromedical Facility, Bldg 400, Room 163, at 1445 hrs on 8 May 01 for the examination. Bring records. Follow-on Appt 1520 hrs [redacted]

8. You must report to the Military Personnel Flight (MPF), Separations Element, Bldg 3200, Rm 20 at 1300 hrs on 8 May 01 for an outprocessing briefing. If you have questions, please call 228-5366.

9. 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 your unit orderly room. Return the directive to the orderly room when the case is completed.

10. 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.

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

12. Execute the attached acknowledgement and return it to me immediately.

[Large redacted signature block]

Attachments:

1. Supporting Documents
 - a. AF Form 1137, UIF Summary; Art 15, 26 Feb 01 (3 pages); Art 15 evidence (36 pages); Art 15 Response, 10 Feb 01 (2 pages); Art 15 Response Attachments (43 pages)
 - b. AF Form 1137, UIF Summary; Art 15, 4 Apr 01 (3 pages); Art 15 evidence (8 pages); Art 15 Delay, 30 Mar 01; Art 15 Response, 2 Apr 01
2. Airman's Receipt of Notification Memorandum