

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>				GRADE AMN		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>				
TYPE GEN		PERSONAL APPEARANCE				X RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				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 A94.53		INDEX NUMBER A67.90				EXHIBITS SUBMITTED TO 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 30 Jul 2004		CASE NUMBER FD-2004-00033								
APPLICANT'S ISSUE AND THE BOARD'S DECISION DISCUSSED ON THE ATTACHED DISCHARGE REVIEW BOARD DECISIONAL										
<p>Case heard at Washington, D.C.</p> <p>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.</p>										
<div style="border: 1px solid black; width: 100%; height: 30px;"></div>										
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-2004-00033

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUES:

Issue 1. Applicant was discharged for conduct prejudicial to good order and discipline. The records indicated the applicant received two Articles 15, a Letter of Reprimand, a verbal counseling documented in a Memo for Record, had an Unfavorable Information File, and was placed on the Control Roster for misconduct. Member's infractions included being late to work, feigning illness repeatedly over a 19-month period to avoid her augmentee duties, behaving with disrespect toward two noncommissioned officers, and toward a commissioned officer on a separate and distinct occasion. Applicant states her discharge was fair and just, and she has learned from her experiences. The DRB felt that that through the unit's administrative actions, the applicant had ample opportunities to change her negative behavior but failed to do so. 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 DRB noted that when the applicant applied for these benefits, she signed a statement (DD Form 2366, on July 17, 1996) that she understood she must receive an Honorable discharge to receive future educational entitlements. 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 which 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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Moody AFB, GA on 4 Feb 00 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Jun 77. Enlmt Age: 18 9/12. Disch Age: 22 7/12. Educ: HS DIPL. AFQT: N/A. A-51, E-24, G-46, M-15. PAFSC: 1C032 - Operations Resource Management Apprentice. DAS: 10 Nov 97.

b. Prior Sv: (1) AFRes 22 Mar 96 - 1 Jul 96 (3 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Jul 96 for 4 yrs. Extended on 19 Jan 99 for 10 months. Svd: 3 Yrs 7 Mo 3 Das, all AMS.

b. Grade Status: Amn - 4 Jan 00 (Article 15, 4 Jan 00)
A1C - 11 Apr 99
Amn - 11 Jun 98 (Article 15, 11 Jun 98)
A1C - 2 Nov 97
Amn - 2 Jan 97

c. Time Lost: None.

d. Art 15's: (1) 4 Jan 00, Moody AFB, GA - Article 91. You, on or about 16 Dec 99, were disrespectful in language toward TSgt [REDACTED] a noncommissioned officer, then known by you to be a superior noncommissioned officer, who was then in the execution of his office, by saying to him, "I don't care why and I will not be quiet. Go ahead and do the report, and file it with the rest of them," or words to that effect. You, on or about 16 Dec 99, were disrespectful to deportment toward TSgt [REDACTED] and SSgt [REDACTED] noncommissioned officers, then known by you to be superior noncommissioned officers, who were then in the execution of their office, by rolling your eyes, drumming your fingers on the table and walking out of the room before being properly dismissed. Reduction to Airman. (No appeal) (No mitigation)

(2) 11 Jun 98, Moody AFB, GA - Article 115. You, did, on divers occasions, between on or about 9 Oct 96 and on or about 16 May 98, for the purpose of avoiding your

augmentee duties with the 347th Security Forces Squadron,
feign illness. Reduction to Airman. (Appeal/Denied) (No
mitigation)

e. Additional: LOR, 23 SEP 99 - Disrespect to a Commissioned Officer.
MFR, 03 APR 98 - Late for duty.

f. CM: None.

g. Record of SV: (Examiner's Note: The first EPR (2 Jul 96-1 Mar 98 is
listed on the Recommendation for Discharge, but is missing from the file).

2 Jul 96 - 1 Mar 98 Moody AFB 4 (Initial)

2 Mar 98 - 1 Mar 99 Moody AFB 3 (Annual)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (10) Mos (14) Das
TAMS: (3) Yrs (7) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Jan 04.
(Change Discharge to Honorable)

Issue 1: My discharge was fair and just to me and I have grown and learned
from my experiences while enlisted in the Air Force. I am requesting an upgrade
to honorable to further my education. The MGIB states that you must complete 36
months of service and have an honorable discharge. At the time of discharge I
had completed 45 months. To be granted an upgrade to Honorable would allow me
to use the MGIB and help offset the cost of schooling. Thank you to the board
for taking my issues into consideration.

ATCH

None.

12MAY04/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 347TH WING (ACC)
MOODY AIR FORCE BASE, GEORGIA

FD 2004 - 00033

MEMORANDUM FOR AMN [REDACTED] 70 FS

14 Jan 00

FROM: 70 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct (conduct prejudicial to good order and discipline). The authority for this action is AFI 36-3208, paragraph 5.50.2. If my recommendation for discharge is approved, your service will be characterized as honorable or 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 3 Apr 98, you were 45 minutes late reporting to your duty section. For this offense, you were verbally counseled. This is documented in a memo, dated 3 Apr 98 (Atch 1a).

b. You, did, at or near Moody Air Force Base, Georgia, on divers occasions, between on or about 9 Oct 96 and on or about 15 May 98, for the purpose of avoiding your augmentee duties within the 347th Security Forces Squadron, feign illness. For these offenses, you received Nonjudicial Punishment pursuant to Article 15, UCMJ, dated 11 Jun 98 (Atch 1b). Your punishment included a reduction to the grade of airman.

c. You did, at Barksdale Air Force Base, Louisiana, on or about 25 Aug 99, behave yourself with disrespect towards Capt [REDACTED] your superior commissioned officer, then known by yourself to be your superior commissioned officer, by saying, "You can't talk to me that way," or words to that effect and by contemptuously turning from him and leaving before he was finished talking to you. For this offense, you received a Letter of Reprimand, dated 23 Sep 99 (Atch 1c), an Unfavorable Information File (UIF) was established and you were placed on the control roster.

d. You, at or near Moody Air Force Base, Georgia, on or about 16 December 1999, were disrespectful in language toward Technical Sergeant [REDACTED] a noncommissioned officer, then known by you to be a superior noncommissioned officer, who was then in the execution of his office, by saying to him, "I don't care why and I will not be quiet. Go ahead and do the report, and file it with the rest of them," or words to that effect. You, at or near Moody Air Force Base, Georgia, on or about 16 December 1999, were disrespectful in deportment toward Technical Sergeant [REDACTED] and Staff Sergeant [REDACTED] noncommissioned officers, then known by you to be superior noncommissioned officers, who were then in the execution of their office, by rolling your eyes, drumming your fingers on the table and walking out of the room before being properly dismissed. For these offenses, you received Nonjudicial Punishment pursuant to Article 15, UCMJ, dated 4 Jan 00 (Atch 1d). Your punishment included a reduction to the grade of airman. This action was placed in your existing UIF.

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Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial (SPCM) 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 may be ineligible for reenlistment in the Air Force.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain [REDACTED] in Bldg 5107, extension 3421, on 14 Jan 00 at 1500. Please take your copy of this Notification Memorandum and the attachments with you to your appointment. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within **three** duty days after receipt of this notification letter, unless you request and receive an extension for good cause shown. **If your appointment with defense counsel is beyond three duty days after receipt of this letter, you should contact the Area Defense Counsel office at extension 7-3421 to obtain a delay request.** I will send any statement(s) you submit to the separation authority.
5. 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.
6. You have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, **Physical Exams** Section, Bldg 3296 at 1400 on 18 Jan 00 for the examination. Then, report to **Aerospace Medicine**, Bldg 3296 at 1025 on 19 Jan 00. **These are mandatory appointments. Be sure to bring your medical records to these appointments.**
7. 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 the orderly room.
8. Execute the attached acknowledgment and return it to me immediately (Atch 2).

[REDACTED]
[REDACTED] Lt Col, USAF
Commander, 70th Fighter Squadron

Attachments:

1. Supporting Documents, Reasons for Discharge
 - a. MFR, 3 Apr 98
 - b. AF Form 3070, 11 Jun 98 (w/atch)
 - c. LOR\UIF\CR, 23 Sep 99
 - d. AF Form 3070\UIF, 4 Jan 00 (w/atch)
2. Receipt of Notification Memorandum