

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE AB	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	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.53	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 30 Apr 2004	CASE NUMBER FD-2004-00047	
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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: 4/30/2004
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-2004-00047

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.

ISSUE:

Issue 1. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received two Articles 15, a Letter of Reprimand, and two Records of Individual Counseling for misconduct. Her infractions included leaving the local area without permission or being on official leave, failing to go to her place of duty, failing to remain in her quarters while on bed rest due to a complicated pregnancy, speeding at 40 miles per hour in a 15 mile per hour zone, and accepting numerous collect phone calls from her husband on a government telephone and then lying about it. She also had two Enlisted Performance Reports that were both rated overall referral "3" and documented her various disciplinary problems. The DRB opined that through the unit's many 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.

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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Eglin AFB, FL on 17 Sep 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 May 77. Enlmt Age: 18 8/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-85, E-44, G-37, M-21. PAFSC: 2S031 - Supply Management Apprentice. DAS: 29 Nov 96.

b. Prior Sv: (1) AFRes 2 Feb 96 - 23 Jul 96 (5 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Jul 96 for 4 yrs. Svd: 3 Yrs 1 Mo 25 Das, all AMS.

b. Grade Status: AB - 2 Sep 99 (Article 15, 2 Sep 99)
A1C - 24 Nov 97
Amn - 24 Jan 97

c. Time Lost: None.

d. Art 15's: (1) 2 Sep 99, Eglin AFB, FL - Article 134. You did, on or about 26 Jul 99, wrongfully subscribe under oath a false statement in substance as follows: You did not accept collect calls on a government telephone between 1 May 99 and 24 May 99 originating from Leesville, Louisiana, which statement you did not believe to be true. Article 92. You, who should have known of your duties, on or about 1 May 99 to on or about 11 Jun 99, were derelict in the performance of those duties in that you negligently accepted personal collect telephone calls on a government phone, as it was your duty not to do. Reduction to Airman Basic. (No appeal) (No mitigation)

(2) 16 Oct 98, Eglin AFB, FL - Article 92. You, who knew of your duties, between on or about 22 Sep 98 to on or about 5 Oct 98, were derelict in the performance of those duties in that you willfully failed to remain at your residence while on quarters, as it was your duty to do. Suspended reduction to Airman, and a reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 12 AUG 99 - Traffic Ticket for speeding and not wearing a seat belt.

LOR, 04 FEB 98 - Failure to report to duty.
RIC, 27 JAN 95 - Leaving the local area without prior
approval and not notifying supervisor.

f. CM: None.

g. Record of SV: 24 Jul 96 - 23 Mar 98 Eglin AFB 3 (Initial)REF
24 Mar 98 - 22 Mar 99 Eglin AFB 3 (CRO)REF

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (7) Mos (16) Das
TAMS: (3) Yrs (1) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Jan 04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. AF Form 100.

10MAR04/ia



FD 2004-00047

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 96TH AIR BASE WING (AFMC)
EGLIN AIR FORCE BASE FLORIDA

13 SEP 1999

MEMORANDUM FOR AB [REDACTED] 96 SUPS (AFMC)

FROM: 96 SUPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically, Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, 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 26 Jul 99, you wrongfully and unlawfully subscribed under oath a false statement in substance as follows: You did not accept collect calls on a government telephone between 1 May 99 and 24 May 99 originating from Leesville, Louisiana, which statement you did not then believe to be true. Additionally, between on or about 1 May 99 to on or about 11 Jun 99, you were derelict in the performance of your duties in that you negligently accepted personal collect telephone calls on a government phone, as it was your duty not to do. For these incidents you received an Article 15 dated 2 Sep 99.
 - b. On or about 4 Aug 99, you were cited for exceeding the posted speed limit. For this incident you received a Record of Individual Counseling (ROIC) dated 12 Aug 99.
 - c. Between on or about 22 Sep 98 to on or about 5 Oct 98, you were derelict in the performance of those duties in that you willfully failed to remain at your residence while on quarters, as it was your duty to do. For this incident you received an Article 15 dated 16 Oct 98 and information was added to your existing Unfavorable Information File (UIF).
 - d. On or about 30 Dec 97, you failed to go to your appointed place of duty at the prescribed time. Additionally, on or about 31 Dec 97, you failed to go to your appointed place of duty at the prescribed time and were classified as being Absent Without Leave. For this incident, you received a Letter of Reprimand dated 4 Feb 98 and an Unfavorable Information File was established.
 - e. On or about 26 Dec 97, you left the local area and traveled to Mississippi without getting prior approval or notifying your supervisor or anyone in the chain of command. For this incident you received a Record of Individual Counseling dated 27 Jan 98.
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 you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force. Special pay, bonuses, or education assistance funds may be subject to recoupment.

- 4. 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 Capt [REDACTED] at building 8, ext. 882-4185, on **13 Sep 99** at **1430** hours. 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 within **3 workdays** from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.
- 7. You will complete a medical examination with the 96th Medical Group on **15 Sep 99**, at **0715** hours.
- 8. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on **13 Sep 99** at **1300** hours.
- 9. **Immediately after** completion of your 96th Mission Support Squadron separations section briefing report to the 96th Traffic Management Office with your completed AFDTTC Form 4134 or LGTT Office Form B133.
- 10. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on **14 Sep 99**, at **0800** hours.
- 11. 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 in your unit orderly room.



Lt Col, USAF

Commander, 96 SUPS

Attachments:

- 1. Supporting Documents
 - 1a. Article 15, dated 2 Sep 99
 - 1b. ROIC, dated 12 Aug 99
 - 1c. Article 15, dated 16 Oct 98/UIF
 - 1d. LOR, dated 4 Feb 98/UIF
 - 1e. ROIC, dated 27 Jan 98
- 2. Airman's Acknowledgment