

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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

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

<b>ISSUES</b> A95.00	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		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	

<b>HEARING DATE</b> 12 May 2004	<b>CASE NUMBER</b> FD-2004-00050	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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: 5/12/2004**

**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-2004-00050**

**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. The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

**ISSUE:** The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received an Article 15, a Vacation action under the UCMJ and two Letters of Reprimand for various misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members.

**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 Andrews AFB, MD on 22 Feb 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 Aug 80. Enlmt Age: 20 4/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-61, E-65, G-72, M-69. PAFSC: 2W031 - Maintenance Systems Apprentice. DAS: 11 Jun 01.

b. Prior Sv: (1) AFRes 13 Dec 00 - 23 Jan 01 (1 month 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Jan 01 for 6 yrs. Svd: 1 Yrs 1 Mo 0 Das, all AMS.

b. Grade Status: AMN - 23 Jan 02 (Vacation of Article 15, 31 Jan 02)  
A1C - 9 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 31 Jan 02, Vacation, Ramstein AB, Germany - Article 92. You, having knowledge of a lawful order issued by Capt [REDACTED] to report to work, and order which it was your duty to obey, on or about 28 Jan 02, fail to obey the same by wrongfully refusing to report to work. Reduction to Airman. (No appeal) (No mitigation)

(2) 23 Jan 02, Ramstein AB, Germany - Article 92. You, did, on or about 3 Jan 02, fail to obey a lawful regulation, to wit: AFI 36-2903, Dress and Appearance of Air Force Personnel, dated 8 Jun 98, by wrongfully wearing jewelry in your tongue while in uniform. Suspended reduction to Airman, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 8 JAN 02 - Financial irresponsibility.  
LOR, 4 SEP 01 - Body piercing and disobeying a lawful order.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

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i. Stmt of Sv: TMS: (1) Yrs (2) Mos (10) Das  
TAMS: (1) Yrs (1) Mos (0) Das

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

NO ISSUES SUBMITTED.

**ATCH**  
None.

11MAR04/ia

FD 2004-0050



DEPARTMENT OF THE AIR FORCE  
86TH AIRLIFT WING (USAFE)

06 FEB 2002

MEMORANDUM FOR AMN [REDACTED] 86 MXS

FROM: 86 MXS/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, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general (under honorable conditions).

2. My reasons for this action are:

a. On or about 20 August 2001, you failed to obey a lawful general regulation and on or about 22 August 2001, you failed to obey a lawful order. For these incidents, you received a letter of reprimand (LOR) dated 4 September 2001 (Atch 1a).

b. Between on or about 15 November 2001 and 15 December 2001, you failed to maintain funds within your checking account and overdrew that account causing your checks to be dishonored. For this incident, you received an LOR, dated 8 January 2002 (Atch 1b).

c. On or about 3 January 2002, you failed to obey a lawful regulation. For this incident, you received nonjudicial punishment action, dated 23 January 2002. Additionally, an unfavorable information file was created and this document was placed in it. (Atch 1c)

d. On or about 28 January 2002, you failed to obey a lawful order. For this incident, you received vacation of nonjudicial punishment action, dated 31 January 2002. (Atch 1d)

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 and any special pay, bonus, 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 with CAPT [REDACTED], Area Defense Counsel, Ramstein AB, GE, Building 2111, DSN 480-2182/2492 on 7 FEB 02 at 0830.** 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 by 9 FEB 02 at 1600 hours 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 submit statements in your behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. **You must report in uniform with your medical records and an escort to the Ramstein AB Clinic, Physical Exams, Building 2121 on 7 FEB 02/1000 for the examination.** Tell the doctor you need a "separation" physical examination. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.

8. 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 the orderly room.

9. Execute the acknowledgement and return it to me immediately.

  
Lt Col, USAF

Commander

Attachments:

1. Supporting Documents:
  - a. LOR, 4 Sep 01
  - b. LOR, 8 Jan 02
  - c. Article 15, 23 Jan 01
  - d. Vacation, 31 Jan 02
2. Airman's Receipt of Notification Memorandum