

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██	GRADE ████████████████████	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 A92.15 A01.13 A92.35	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 19 May 2004	CASE NUMBER FD-2004-00068	
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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: 5/25/2004
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

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

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh and was based on a disputed isolated incident. The records indicated the applicant received an Article 15, five Letters of Reprimand, four Records of Individual Counseling, a Memorandum for Record, and had an Unfavorable Information File for misconduct. Her infractions included missing numerous appointments with her On-The-Job Training manager, failing to complete her Career Development Course in a timely manner after indicating to her supervisor on numerous occasions that she was progressing satisfactorily, obtaining services at the base dining facility for an unauthorized civilian by fraudulently using her own social security number, stealing government food items, three instances of failure to go, failing to inform her unit of a change of address and phone number thus rendering her unavailable for recall, and stealing several items of cologne from the Army and Air Force Exchange Service. Member also had an Enlisted Performance Report rated an overall referral "2" that noted her misconduct, and another rated an overall "3" that stated her performance varied from "borderline marginal to excellent." At the time of the discharge, member consulted counsel and submitted a statement in her own behalf admitting to making "mistakes" that she knew were "wrong" and her belief that she was a "good airman" who, if given the chance, could "demonstrate many good qualities to offer the Air Force." In view of applicant's extensive record of misconduct, the DRB found her contentions without merit and opined that through the unit's many administrative actions, the applicant had ample opportunities to change her negative behavior but was unable or unwilling 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. Applicant states that her discharge did not take into account the good things she did while in the service. The DRB took note of the applicant's duty performance as documented by her performance reports and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Grand Forks AFB, ND on 23 Jun 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Jan 73. Enlmt Age: 18 6/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-85, E-62, G-66, M-40. PAFSC: 3M051 - Morale, Welfare, Recreation and Services Journeyman. DAS: 4 Mar 92.

b. Prior Sv: (1) AFRes 25 Jul 91 - 2 Dec 91 (4 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 3 Dec 91 for 4 yrs. Extended 2 Feb 93 for 9 months. Svd: 2 Yrs 6 Mo 21 Das, all AMS.

b. Grade Status: A1C - 14 Feb 94
Amn - 14 Apr 93 (Article 15, 14 Apr 93)

c. Time Lost: None.

d. Art 15's: (1) 14 Apr 93, Grand Forks AFB, ND - Article 121. You, did, on or about 6 Apr 93, steal cologne, of a value of about \$108.00, the property of the Army and Air Force Exchange Services. Reduction to Airman, forfeiture of \$50.00 pay per month for 2 months, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 29 MAY 94 - Late for work.
LOR, 23 MAY 94 - Failure to go.
LOR, 01 FEB 94 - Failure to notify supervisor of change of address resulting in not being available for stand-by.
RIC, 20 FEB 93 - Unauthorized visitors in dorm room.
RIC, 28 NOV 92 - Unsatisfactory progress in CDCs, and wearing civilian clothes to a training appointment.
RIC, 28 NOV 92 - Late for E-O departure.
LOR, 23 SEP 92 - Larceny of food items.
LOR, 10 JUL 92 - Violation of Meal Card Program by giving food items to a civilian.

f. CM: None.

g. Record of SV: 3 Dec 91 - 2 Aug 93 Grand Forks AFB 2 (Initial)REF
3 Aug 93 - 6 Feb 94 Grand Forks AFB 3 (CRO)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (11) Mos (0) Das
TAMS: (2) Yrs (6) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Feb 04.
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on an occurrence which I disputed in regards to a training which I was not informed of and did not have access to the Squadron email, which my supervisor was aware of. Overall during my 30 months of service, I recieved (sic) ample positive recognition for my duty served. Due to this I feel that I served my country honorably, while in support of Operation Desert Storm.

ATCH

None.

18MAR04/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 319TH AIR REFUELING WING (AMC)
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

FD 2004-00068

7 JUN 1994

MEMORANDUM FOR AIC [REDACTED]

FROM: 319 SVS/CC

SUBJECT: Notification Letter - ACTION MEMORANDUM

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. You did, on or about 29 May 94, fail to go at the time prescribed to your appointed place of duty, for which you received a LOR dated 29 May 94.
 - b. You did, on or about 11 May 94, fail to attend a mandatory appointment, for which you received a LOR dated 23 May 94.
 - c. You were, on or about 25 Jan 94, derelict in the performance of your duty, by failing to inform your squadron of your new address and telephone number, for which you received a LOR dated 1 Feb 94.
 - d. You did, on or about 6 Apr 93, steal cologne of a value of \$108.00 at the Army and Air Force Exchange Service, for which you received an Article 15 dated 14 Apr 93.
 - e. You did, on or about 24 Nov 92, fail to complete your CDC course assignments in a timely manner, for which you received a ROC dated 28 Nov 92.
 - f. You did, on or about 25 Nov 92, fail to go at the time prescribed to your appointed place of duty, for which you received a ROC dated 28 Nov 92.
 - g. You did, on or about 11 Sep 92, steal government property, for which you received a LOR/UIF dated 23 Sep 92.
 - h. You did, on or about 6 Jul 92, fraudulently obtain services at the Red River Inn, for which you received a LOR dated 10 Jul 92, and a UIF was established.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction or 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.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You have been scheduled an appointment at the Office of the Area Defense Counsel at Building 216 on 10 Jun 94 at 0900 hours. 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 by 16 Jun 94 at 1045 hours unless you request and receive an extension for good cause shown. I will send them 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 319th Medical Group on 9 Jun 94 at 0730 hours for the examination.

7. Deliver to me immediately your military identification card and those of your dependents. I have requested that temporary identification cards be issued IAW AFR 30-20, paragraph 2-9. You will report to me by COB 7 Jun 94 to verify that issuance of Temporary Identification Card(s) has been accomplished.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Atch 2. A copy of AFR 39-10 is available for your use in the squadron orderly room.

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


Major, USAF
Commander, 319 SVS

5 Attachments:

1. Supporting Documents
 - a. LOR, 29 May 94
 - b. LOR, 23 May 94
 - c. LOR, 1 Feb 94
 - d. Article 15, 14 Apr 93
 - e. ROC, 28 Nov 92
 - f. ROC, 28 Nov 92
 - g. LOR/UIF, 23 Sep 92
 - h. LOR/UIF, 10 Jul 92
2. Other Derogatory Data
3. Airman's Acknowledgment
4. EPRs
5. RIP