

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE SRA	AFSN/SSAN ████████████████			
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
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A92.15 A92.35 A92.21	A67.10	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	CASE NUMBER					
06 Aug 2004	FD-2004-00157					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<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 dashed black; height: 100px; width: 100%; margin-top: 20px;"></div>						
INDORSEMENT		DATE: 8/9/2004				
TO:	FROM:					
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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-2004-00157

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.

Issue 1. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received an Article 15, four Letters of Reprimand, two Letters of Counseling, and had an Unfavorable Information File due to misconduct. Her infractions included repeat dress and appearance violations, failure to go three times, and twice sleeping on post. 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, both of which were rated an overall "3" and detailed that she needed more initiative, needed to show as much motivation for her professional responsibilities as she did for her personal goals, and that she needed to strive to improve her performance. The Board found the seriousness of member's willful misconduct offset any positive aspects of her duty performance. The DRB further opined that through the unit's many administrative actions, the applicant had ample opportunities to change her negative behavior and was unwilling or unable to do so. The Board concluded the discharge characterization was appropriate for the reasons which were its basis.

Issue 2 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well now and attending college. However, this does not reflect upon her period of service and no inequity or impropriety in the discharge was suggested or found in the course of the record review. The Board concluded the misconduct of the applicant appropriately characterized her term of service.

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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Ramstein AB, Germany on 4 Apr 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Jan 75. Enlmt Age: 18 10/12. Disch Age: 22 3/12. Educ: HS DIPL. AFQT: N/A. A-36, E-60, G-44, M-33. PAFSC: 3P032 - Law Enforcement Apprentice. DAS: 22 Jun 95.

b. Prior Sv: (1) AFRes 15 Nov 93 - 1 Dec 93 (17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Dec 93 for 4 yrs. Extended 11 Oct 94 for 6 months. Svd: 3 Yrs 4 Mo 3 Das, all AMS.

b. Grade Status: SrA - 2 Dec 96
A1C - 2 Apr 95
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 31 Jan 92, Ramstein AB, Germany - Article 86. You did, at or near Building 2039, Vogelweh Community Area, Kaiserlautern, Germany, on or about 18 Dec 96, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to A1C, forfeiture of \$100.00 pay per month for two months, and 30 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 07 AUG 96 - Late for duty.
LOR, 29 MAY 96 - Dereliction of duty.
LOR, 12 MAR 96 - Dereliction of duty.
LOR, 14 FEB 96 - Violation of dress and appearance standards.
LOC, 30 OCT 95 - Late for duty.
LOC, 02 OCT 95 - Violation of dress and appearance standards.

f. CM: None.

g. Record of SV: 2 Dec 93 - 30 Nov 95 Ramstein AB 3 (Initial)
1 Dec 95 - 30 Nov 96 Ramstein AB 3 (Annual)

h. Awards & Decs: AFAM, AFTR, NDSM, AFOUA, AFOSLTR.

i. Stmt of Sv: TMS: (3) Yrs (4) Mos (21) Das
TAMS: (3) Yrs (4) Mos (3) Das

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

Issue 1: I feel I deserve an upgrade based on the fact that I volunteered for community events, received achievement(sic) medal & opted for early departure on my own request, not because I was a horrible & disloyal soldier.

Issue 2: While in active duty I volunteered for many community events, including Christmas wrapping fund raiser, fundraiser aerobic marathan, & new soldier preparation, where I greeted & sponsored someone who was to come to our base in (sic) future. Attended some college classes when I could & attended the Cooper Institute Fitness Training Course that I paid for and accomplished on the side. I later volunteered & became the flight fitness monitor & kept an updated board of info in the hallway of the squadron bldg. I have a letter from another volunteer occasion as well as proof of my achievement medal & current status as a civilian. I am attending college with one year left under Ch 31. All of this proves that I was a dedicated Airman despite my one mistake.

ATCH

1. Request for Counsel.
2. Certificate of Training.
3. Various ID Cards.
4. Three Certificates of Excellence.
5. Certificate of Training.
6. Letter of Congratulations.
7. Certificate of Appreciation.
8. Letter of Appreciation.
9. Air Force Achievement Medal.

14JUN04/ia



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



11 Mar 97

MEMORANDUM FOR SRA [REDACTED] 569 USFPF

FROM: 569 USFPF/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, Minor Disciplinary Infractions. The authority is AFPD 36-32 and AFI 36-3208, Section H, 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.

2. My reasons for this action are that:

a. You did, on or about 18 Dec 96, fail to go to your place of duty at the prescribed time. For this failure, you received nonjudicial punishment on 31 Jan 97 (Atch 1a) and it was filed in your Unfavorable Information File (UIF) on 7 Feb 97.

b. You did, on or about 5 Aug 96, fail to go to your place of duty at the prescribed time. For this failure, you received a Letter of Reprimand (LOR) dated 7 Aug 96 (Atch 1b).

c. You were, on or about 22 May 96, derelict in the performance of your duties by sleeping on post. For this action, you received an LOR on 29 May 96 (Atch 1c) and a UIF was established on 5 Jun 96.

d. You were, on or about 8 Mar 96, derelict in the performance of your duties by sleeping on post. For this action, you received an LOR on 12 Mar 96 (Atch 1d).

e. You did, on or about 13 Feb 96, fail to meet standards of dress and appearance by reporting for duty without wearing the battle dress uniform (BDU) blouse. For this failure, you received an LOR on 14 Feb 96 (Atch 1e).

f. You did, on or about 30 Oct 95, fail to go to your place of duty at the prescribed time. For this failure, you received an Letter of Counseling (LOC) on 30 Oct 95 (Atch 1f).

g. You did, on or about 2 Oct 95, fail to meet standards of dress and appearance by reporting for duty without wearing the BDU blouse. For this failure, you received an LOC on 2 Oct 95 (Atch 1g).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court Martial jurisdiction, or a higher authority, will decide whether you will be discharged or retained in the United States 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 United

States Air Force, and any special pay, bonus, or education assistance funds you have received 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, Building 2111, DSN 480-2182/2492 on 12 Mar 97 at 1030. You may consult civilian counsel at your own expense. The Area Defense Counsel requests that you stop by their office prior to your appointment to pick-up the Administrative Discharge Booklet.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me NLT (3 duty days) 14 Mar 97 at 1330 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 Air Base Clinic, Physical Exams, Building 2182 on 13 Mar 97 at 0730 for the examination. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them. You must abstain from alcohol 72 hours, fast 12 hours, and abstain from caffeine and nicotine 10 hours prior to your appointment.

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.

[REDACTED]

Maj, USAF

Commander

Attachments:

- 1. Supporting Documents
 - a. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 31 Jan 97 w/response and appeal w/atchs
 - b. LOR, dated 7 Aug 96
 - c. LOR, dated 29 May 96 w/response and UIF Action
 - d. LOR, dated 12 Mar 96 w/AF Form 1168
 - e. LOR, dated 14 Feb 96
 - f. LOC, dated 30 Oct 95
 - g. LOC, dated 2 Oct 95
- 2. Other Information
 - a. Memorandum, Statement of Medical Condition, dated 28 Feb 97
 - b. Memorandum, Denial of AFGCM
- 3. Airman's Receipt of Notification Memorandum