

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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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 A94.01	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 11 Aug 2004	CASE NUMBER FD-2004-00176			

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.

[Handwritten Signature]

INDORSEMENT		DATE: 8/11/2004
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-2004-00176

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change her reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code 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: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, vacation of suspended punishment, four Letters of Reprimand, two Letters of Counseling, a Record of Individual Counseling, and had an Unfavorable Information File due to misconduct. Her infractions included at least six instances of failure to go or being late for work, twice being found at her place of off-duty employment when she was supposed to be on duty or had called in sick, insubordinate conduct, and dereliction of duty. Applicant specifically felt her Article 15 was unjust and she was made an example of. The record review did not substantiate this contention and the Board found it without merit. The DRB opined that through the unit's extensive administrative actions, the applicant had ample opportunities to change her negative behavior and was unwilling or unable 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 return to military service as justification for upgrade. While the Board was sympathetic to the impact her reenlistment code was having on the applicant, this is not a matter of inequity or impropriety that 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

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr MacDill AFB, FL on 6 Jan 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for an Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 30 May 81. Enlmt Age: 18 1/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-67, E-81, G-82, M-30. PAFSC: 2E133 - Ground Radio Communications Apprentice. DAS: 31 Oct 01.

b. Prior Sv: (1) AFRes 27 Jul 99 - 6 Oct 99 (2 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Oct 99 for 6 yrs. Svd: 3 Yrs 3 Mo 0 Das, all AMS.

b. Grade Status: A1C - 14 Nov 02 (Vacation of Article 15, 22 Nov 02)
 SrA - 03 Apr 02
 A1C - 03 Dec 99

c. Time Lost: None.

d. Art 15's: (1) 22 Nov 02, Ramstein AB, Germany - Article 86. You, did, on or about 15 Nov 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (No appeal) (No mitigation)

(2) 14 Nov 02, Ramstein AB, Germany - Article 92. You, who knew or should have known of your duties, between on or about 26 Oct 02 and on or about 27 Oct 02, were derelict in the performance of those duties in that you willfully failed to complete the repair of the Digital Voice Recording System at Ground Control Approach. Suspended reduction to A1C, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 07 NOV 02 - Late for appointment.
 LOR, 11 OCT 02 - Late for duty.
 LOR, 31 JUL 02 - Late for duty.
 LOR, 29 JUL 02 - Damaging government property.
 LOC, 29 JUL 02 - Late for duty.
 LOC, 25 APR 02 - Late for duty.
 RIC, 11 MAR 02 - Insubordination and dereliction of duty.

- f. CM: None.
- g. Record of SV: 7 Oct 99 - 06 Jun 01 Kunsan AB 4 (Initial)
7 Jun 01 - 26 Jun 02 Ramstein AB 3 (Annual)REF
- h. Awards & Decs: AFTR, NDSM, AFOUA W/BOLC.
- i. Stmt of Sv: TMS: (3) Yrs (5) Mos (11) Das
TAMS: (3) Yrs (3) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 May 04.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I am requesting that the classification of my discharge be upgraded from General to Honorable believe (sic) that at the time, the situation surrounding my loss of stripe and discharge was unfair. I had a couple of mistakes on my record for being tardy to work and an argument with a friend, but the Article 15 for dereliction of duty was unjust. I was on leave at the time and yet required to take the stand-by pager since I was in the local area. I completed my job to the best of my ability and feel that I was the person used to make an example of with the new commander. My time away from the Air Force has been a learning process. I truly value what the military does for this country and would like the opportunity to re-enlist which I can not do with my current status. So I ask that my discharge be upgraded because given the same circumstances I believe the end result would be different.

ATCH
None.

17JUN04/ia



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

FD 2004-00176

MEMORANDUM FOR [REDACTED] 86 CS

9 Dec 2002

FROM: 86 CS/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 either 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 15 November 2002, you failed to go at the time prescribed to your appointed place of duty. For this incident your previously suspended reduction in rank was vacated, dated 25 November 2002. This action was placed in your existing Unfavorable Information File (UIF) (Atch 1a & 1b).
 - b. On or about 26 October 2002, you were derelict in the performance of your duties in that you willfully failed to complete the repair of the Digital Voice Recording System at Ground Control Approach. For this incident you received nonjudicial punishment dated 14 November 2002, resulting in a suspended reduction to Airman First Class and a reprimand. This action was placed in your existing UIF (Atch 1a & 1c).
 - c. On or about 6 November 2002, you failed to go at the time prescribed to your scheduled appointment. For this incident you received a Letter of Reprimand (LOR), dated 7 November 2002. Additionally, a UIF was established and this document was placed in it (Atch 1a & 1d).
 - d. On or about 11 October 2002, you failed to go to your appointed place of duty at the appointed time. For this incident you received an LOR, dated 11 October 2002 (Atch 1e).
 - e. On or about 31 July 2002, you failed to go to your appointed place of duty at the appointed time. For this incident you received an LOR, dated 31 July 2002 (Atch 1f).
 - f. On or about 24 July 2002, you willfully damaged another persons property. For this incident you received an LOR, dated 29 July 2002 (Atch 1g).



50 Years of Friendship and Freedom

g. On or about 24 July 2002, you failed to go to your appointed place of duty at the appointed time. For this incident you received a Letter of Counseling (LOC), dated 29 July 2002 (Atch 1h).

h. On or about 25 April 2002, you failed to go to your appointed place of duty at the appointed time. For this incident you received an LOC, dated 11 March 2002 (Atch 1i).

i. Between on or about 19 February 2002 and on or about 22 February 2002, you were found insubordinate to your direct supervisor and you were found at your off duty place of employment after you had called in sick. On another occasion, you left your duty place early and was found at your off duty employment. For these incidents you received a Record of Individual Counseling (RIC), dated 11 March 2002 (Atch 1j).

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.

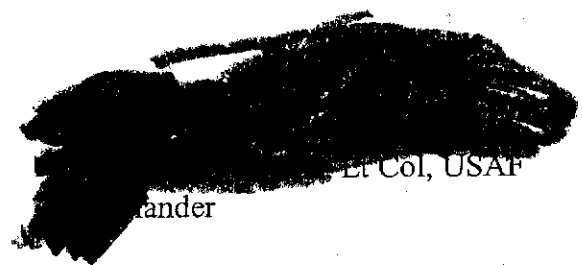
4. You have the right to consult counsel. **Military legal counsel has been obtained to assist you. I have made an appointment for you to consult _____, Area Defense Counsel, Ramstein AB, GE, Building 2111, DSN 480-2182/2492 on 10 Dec 02 @ 0830.** You may consult civilian counsel at your own expense.

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 12 Dec 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 to submit statements in your own 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 10 Dec 02 @ 1300 for the evaluation.** 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.



Lt Col, USAF

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Attachments:

- 1. Supporting Documents:
 - a. AF Form 1137
 - b. AF Form 366, dated 25 Nov 02
 - c. Art 15, dated 14 Nov 02
 - d. LOR, dated 7 Nov 02
 - e. LOR, dated 11 Oct 02
 - f. LOR, dated 31 Jul 02
 - g. LOR, dated 29 Jul 02
 - h. LOC, dated 29 Jul 02
 - i. LOC, dated 25 Apr 02
 - j. RIC, dated 11 Mar 02

2. Airman's Receipt of Notification Memorandum