

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b> AB	<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>				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><b>YES</b></td> <td style="width:50%;"><b>No</b></td> </tr> <tr> <td></td> <td align="center"><b>X</b></td> </tr> </table>	<b>YES</b>	<b>No</b>		<b>X</b>		
<b>YES</b>	<b>No</b>					
	<b>X</b>					

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A94.53	<b>INDEX NUMBER</b> A67.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align:center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align:center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align:center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align:center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>	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
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<b>HEARING DATE</b> 15 Sep 2004	<b>CASE NUMBER</b> FD-2004-00216	
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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.

<b>INDORSEMENT</b>		<b>DATE</b> 9/15/2004
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2004-00216

**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.

**ISSUES:**

Issue 1. Applicant was discharged for discreditable involvement with military or civilian authorities. The records indicated the applicant received two Articles 15, five Letters of Reprimand, three Records of Individual Counseling and two Memorandums for Record for misconduct. Her infractions included multiple missed appointments and failures to go, multiple incidents of dereliction of duty, and financial irresponsibility. Additionally, she had 1 month and 4 days lost time due to civilian incarceration for off-base offenses. The DRB opined that through these 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 receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, she signed a statement (DD Form 2366, on April 9, 1995) that she understood she must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Shaw AFB, SC on 26 Nov 96 UP AFI 36-3208, para 5.50.1 (Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 Jan 75. Enlmt Age: 19 11/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-46, E-38, G-44, M-32. PAFSC: 4A031 - Health Services Management Apprentices. DAS: 7 Sep 95.

b. Prior Sv: (1) AFRes 27 Jan 95 - 23 May 95 (3 months 27 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 May 95 for 4 yrs. Svd: 1 Yrs 6 Mo 2 Das, all AMS.

b. Grade Status: AB - 1 Nov 96 (Article 15, 31 Oct 96)  
Amn - 24 Nov 95

c. Time Lost: 8 Nov 95-9 Nov 95 & 17 Oct 96-20 Nov 96 (1 month 4 days).

d. Art 15's: (1) 31 Oct 96, Shaw AFB, SC - Article 86. You did, on divers occasions from on or about 11 Oct 96 to on or about 16 Oct 96, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB. (No appeal) (No mitigation)

(2) 5 Dec 95, Shaw AFB, SC - Article 86. You did, on or about 8 Nov 95, without authority, absent yourself from your unit, and did remain so absent until on or about 9 Nov 95. Forfeiture of \$427.00 pay, and 45 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 07 OCT 96 - Late for work.  
LOR, 01 OCT 96 - Financial irresponsibility.  
LOR, 01 OCT 96 - Late for work four times.  
LOR, 19 SEP 96 - Dereliction of duty.  
20 MDG/SGF MEMO, 6 SEP 96 - Failure to pay just debts.  
LOR, 28 FEB 96 - Dereliction of duty.  
RIC, 05 FEB 96 - Dereliction of duty.  
RIC, 18 JAN 96 - Late for duty.  
RIC, 18 JAN 96 - Missed appointment.  
MEMO, 28 DEC 95 - Missed appointment.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (8) Mos (27) Das  
TAMS: (1) Yrs (4) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Jun 04.  
(Change Discharge to Honorable)

Issue 1: Employment reasons as well as obtaining benefits for college.

**ATCH**

None.

21JUL04/ia



FD 2004-00216

**DEPARTMENT OF THE AIR FORCE**  
20th FIGHTER WING (ACC)  
SHAW AIR FORCE BASE, SOUTH CAROLINA

15 Nov 96

MEMORANDUM FOR AB [REDACTED]

FROM: 20 MDSS/CC  
431 Meadowlark Street  
Shaw AFB SC 29152-5019

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct – discreditable involvement with military or civil authorities. The authority for this action is AFD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.50.1. 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. On or about 8 Nov 95, you, without authority, absented yourself from your unit and remained so absent until on or about 9 Nov 95. Based on your misconduct, you received Article 15 nonjudicial punishment action, dated 5 Dec 95.

b. On or about 6 Dec 95, you failed to be at your appointed place of duty at the time prescribed, as evidenced by [REDACTED] memorandum, dated 28 Dec 95. You were counseled for this offense.

c. On or about 8 Jan 96, you failed to be at your appointed place of duty at the time prescribed, for which you received a letter of counseling, dated 18 Jan 96.

d. On or about 18 Jan 96, you failed to be at your appointed place of duty at the time prescribed, for which you received a letter of counseling, dated 18 Jan 96.

e. On or about 5 Feb 96, you were derelict in the performance of your duties when you failed to file backlogged paperwork and research loose documents, for which you received a letter of counseling, dated 5 Feb 96.

f. On or about 26 Feb 96, you were again derelict in the performance of your duties when you failed to file backlogged paperwork, as you had been instructed to do. Based on your misconduct, you received a letter of reprimand, dated 28 Feb 96.

g. On or about 6 Sep 96, you dishonorably failed to pay a just debt in the amount of \$8.00 to the Shaw AFB Enlisted Club, as evidenced by a 20 MDG/SGF memorandum, dated 6 Sep 96.

h. Between on or about 29 Aug 96 and on or about 19 Sep 96, you were derelict in the performance of your duties when you failed to file backlogged paperwork, as you had been previously instructed to do. Based on your misconduct, you received a letter of reprimand, dated 19 Sep 96.

*Global Power For America*

i. On or about 24 Sep 96, 25 Sep 96, 26 Sep 96, and 1 Oct 96, you failed to go to your appointed places of duty at the times prescribed, for which you received a letter of reprimand, dated 1 Oct 96, and for which an unfavorable information file (UIF) was established.

j. On or about 24 Sep 96, you dishonorably failed to pay a just debt in the amount of \$110.50 to Rose Video of Sumter. On or about 27 Sep 96, you made and uttered a worthless check, in the amount of \$28.00, to Mary's Beauty Salon of Sumter, for which you received a reprimand, dated 1 Oct 96, and for which an unfavorable information file (UIF) was established.

k. On or about 2 Oct 96, you failed to go to your appointed place of duty at the time prescribed, for which you received a letter of reprimand, dated 7 Oct 96.

l. On divers occasions from on or about 11 Oct 96 to on or about 16 Oct 96, you failed to go to your appointed place of duty at the prescribed time. This misconduct resulted in Article 15 nonjudicial punishment action, dated 31 Oct 96.

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 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.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. As you are in prison at the time of the service of this memorandum, arrangements have been made for you to consult [REDACTED] Area Defense Counsel, by telephone. His telephone number is [REDACTED].

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 three days after receipt of the notification memorandum, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

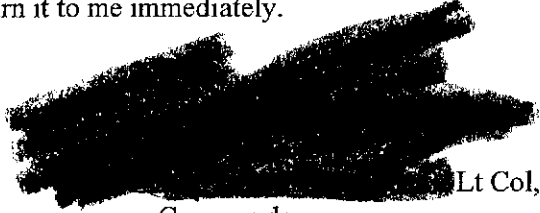
6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You completed all medical examination requirements on 10 Oct 96.

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. In accordance with AFI 36-3001, you must relinquish all identification cards within three duty days of receipt of this notification memorandum.

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



Lt Col, USAF

Commander

2 Attachments

1. Documents Supporting Reasons for Discharge

- a. AF Form 3070, 5 Dec 95
- b. [Redacted] Article 15 Appeal, 14 Dec 95
- c. [Redacted] Article 15 Presentation, 30 Nov 95
- d. [Redacted] Memorandum, 16 Nov 95
- e. [Redacted] Memorandum, 16 Nov 95
- f. [Redacted] Memorandum, 16 Nov 95
- g. [Redacted] Memorandum, 9 Nov 95
- h. [Redacted] Memorandum, 28 Dec 95
- i. AF Form 174, 18 Jan 96
- j. AF Form 174, 18 Jan 96
- k. AF Form 174, 5 Feb 96
- l. [Redacted] Memorandum, 28 Feb 96
- m. 20 MDG/SGF Memorandum, 6 Sep 96
- n. [Redacted] Memorandum, 19 Sep 96
- o. [Redacted] Memorandum, 26 Sep 96
- p. AF Form 1058, 1 Oct 96
- q. 20 MDG/SGF Memorandum, 1 Oct 96
- r. 20 MDG/SGF Memorandum, 1 Oct 96
- s. [Redacted] Memorandum, 2 Oct 96
- t. 20 MDG/SGF Memorandum, 7 Oct 96
- u. [Redacted] Memorandum, 22 Nov 95
- v. [Redacted] Memorandum
- w. AF Form 3070, 31 Oct 96
- x. [Redacted] Memorandum, 16 Oct 96

2. Airman's Receipt of Notification Memorandum