

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE SRA	AFSN/SSAN [REDACTED]			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL NAME OF COUNSEL AND OR ORGANIZATION		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 A01.02	INDEX NUMBER A01.01	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 05 Oct 2004	CASE NUMBER FD-2004-00236					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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.</p>						
INDORSEMENT			DATE: 10/6/2004			
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-2004-00236

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: The Board grants the requested relief.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, two Letters of Reprimand, one Letter of Counseling, and one Letter of Admonishment for misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. However, the member was entitled to an Administrative Board hearing and the command failed to offer this to the applicant. This is an impropriety; therefore, the applicant's discharge will be changed to Honorable.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was not consistent with the procedural and substantive requirements of the discharge regulation and was not within the discretion of the discharge authority and that the applicant was not provided full administrative due process.

In view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and should be changed under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
[REDACTED]
(Former SrA) (HGH SrA)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr McGuire AFB, NJ on 18 Jun 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Sep 75. Enlmt Age: 20 11/12. Disch Age: 27 8/12. Educ: HS DIPL. AFQT: N/A. A-54, E-25, G-50, M-35. PAFSC: 4N051 - Medical Services Journeyman. DAS: 24 May 02.

b. Prior Sv: Enlisted USAFRes as A1C on 22 Sep 96 for 6 yrs. Svd: 2 yrs 7 months 5 days, of which AMS is 9 months 27 days. SrA - 1 Jul 98. No Enlisted Performance Reports available.

3. **SERVICE UNDER REVIEW:**

- a. Enlisted USAF as A1C 24 Feb 00 for 6 yrs. Svd: 3 Yrs 3 Mo 25 Das, all AMS.
- b. Grade Status: SrA - 27 Apr 02.
- c. Time Lost: None.
- d. Art 15's: (1) 1 May 03, Kunsan AB, Korea - Article 86. You, did, on or about 24 Mar 03 and on or about 26 Mar 03, without authority, fail to go at the time prescribed to your appointed place of duty. You, having knowledge of a lawful order issued by Capt [REDACTED] to obtain a DD 1934, Geneva Conventions Identity Card, an order which it was your duty to obey, did, on or about 31 Jan 03 and on or about 11 Apr 03, fail to obey the same by wrongfully not obtaining a DD 1934, Geneva Conventions Card. Suspended reduction to A1C. Thirty days restriction, and a reprimand. (Appeal/Denied) (No mitigation)
- e. Additional: LOA, 04 MAY 03 - Dereliction of duty.
LOR, 14 MAR 03 - Failure to meet a mandatory appointment.
LOR, 19 FEB 03 - Financial irresponsibility.
LOC, 09 DEC 02 - Financial irresponsibility.
- f. CM: None.
- g. Record of SV: 27 Apr 99 - 26 Dec 00 Sheppard AFB 4 (Initial)

24 May 02 - 23 May 03 Kunsan AB 2 (Annual)REF

h. Awards & Decs: AFTR, NDSM, AFOUA, AFLSAR, AFGCM W/1 OLC, BEMB.

i. Stmt of Sv: TMS: (6) Yrs (9) Mos (3) Das
TAMS: (4) Yrs (1) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 2 Jun 04.
(Change Discharge to Honorable)

Issue 1: There is no question that I have accepted my discharge from the United States Air Force. All the fault lies on myself. I must live with the result of my poor judgement. I do however feel a general discharge was an excessively harse punishment. I discern that my punishment did not fit the actions I was guilty of displaying. Yes, many negative actions occured (sic) in a short amount of time. However, there was never room for redemption given by my superiors. In their haste to discipline my rights were cast aside. I request that my discharge be upgraded to honorable. Even though I have tarnished my service record I feel I deserve a discharge upgrade.

ATCH

1. DD 214.

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DEPARTMENT OF THE AIR FORCE
8TH FIGHTER WING (PACAF)
APO AP 96264-2090

23 MAY 2003

MEMORANDUM FOR SrA [REDACTED]

FROM: 8 MDOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for **Misconduct, Minor Disciplinary Infractions**. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, 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.
2. My reasons for this action are that:
 - a. On or about 29 October 2002, you wrote a worthless check (totaling \$200.00) at the Loring Club, Kunsan Air Base, Republic of Korea. For this misconduct you received a Letter of Counseling, dated 9 December 2002.
 - b. On or about 6 December 2002 at the Osan Mustang Club you wrote a check in the amount of \$120.00 which was returned for insufficient funds. Also, between on or about 8 December 2002 and on or about 24 December 2003, you used your Bank of America Government Travel Card for other than official business. Additionally, between on or about 20 January 2003 and on or about 14 February 2003, you failed to make a payment to your Bank of America Government Travel Card. For this misconduct, you received a Letter of Reprimand on 19 February 2003 and an Unfavorable Information File was established on 3 March 2003.
 - c. On 13 March 2003 you failed to go to your appointed place of duty at the prescribed time; a 1400 appointment with the Fitness Program Manager (FPM) in the Health and Wellness Center for counseling and development of a physical conditioning program. For this misconduct, you received a Letter of Reprimand on 14 March 2003.
 - d. You did, at or near Kunsan AB, Republic of Korea, on or about 24 March and on or about 26 March 2003, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 1439. You, having knowledge of a lawful order issued by Captain [REDACTED] to obtain a DD 1934, Geneva Conventions Identity Card, an order which it was your duty to obey, did, at or near Kunsan AB, republic of Korea, between on or about 31 January 2003 and on or about 11 April 2003, fail to obey by wrongfully not obtaining a DD Form 1934, Geneva Conventions Identity Card. For this misconduct you received nonjudicial punishment on 1 May 2003.

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e. You were, at or near Kunsan AB, Republic of Korea, on or about 23 April 2003, were derelict in your duty, to wit: you showed up for a scheduled meeting wearing the wrong uniform (BDU's). You were specifically told by MSgt [REDACTED], MDOS/CCF to be wearing your service blue uniform during legal proceedings with the commander. For this misconduct you received a Letter of Admonishment from the First Sergeant.

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.

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 Capt [REDACTED], the Area Defense Counsel, Building 301, Kunsan AB, ROK, 782-4848, at 1530 hours on 23 MAY 2003. You may consult civilian counsel at your own expense. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined by AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

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 1500 hours 29 May 2003 (3 duty days), unless you request and receive an extension for good cause shown. I will send your matters to the separation authority.

6. If you fail to consult counsel or 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 to the 8th Medical Group Physical Examinations section, Kunsan, AB, ROK at 1500 hours on 23 MAY 2003. Take the attached medical clearance letter with you to the 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 at the Area Defense Counsel's office.

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

[REDACTED]

[REDACTED] Lt Col, USAF
Commander

8 Attachments:

1. Medical Clearance
2. Retrieval of ID Card
3. Airman's Receipt of Notification Memorandum
4. Letter of Counseling, dated 9 Dec 02 (2 pages)
5. Letter of Reprimand, dated 19 Feb 03 (2 pages)
6. Letter of Reprimand, dated 14 Mar 03 (2 pages)
7. AF Form 3070, dated 30 Jan 02 (3 pages)
8. Letter of Admonishment, dated 4 May 2003 (2 pages)