

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE AB	AFSN/SSAN ████████████████
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TYPE GEN	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	<input checked="" type="checkbox"/>		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A93.01	INDEX NUMBER A67.09	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 12 Oct 2004	CASE NUMBER FD-2004-00248	
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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, and the right to submit an application to the AFBCMR

INDORSEMENT		DATE: 10/25/2004
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

FD-2004-00248

GENERAL: The applicant appeals for upgrade of discharge to honorable and for change of reenlistment code.

The applicant was offered and was scheduled for a personal appearance before the Discharge Review Board (DRB) but she called and cancelled her personal appearance. Despite efforts to contact her, she has not responded to messages left on her answering machine to set a new hearing date, therefore this case is treated as a non-personal appearance case.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge and change of reenlistment code are 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:

Issue. The Applicant contends that the Air Force should give her a second chance and blames her immaturity and stupidity for her misdeeds during her enlistment. She is quite candid about her misbehavior and does not claim the discharge was inequitable or improper. She details the events in her life which have forced her to mature and claims she is now prepared to work hard and obey the rules. The DRB recognized the applicant was 20 years of age when the discharge took place. However, there is no evidence she did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. While the DRB is sympathetic to her troubles and wishes her every success in her endeavors in the civilian community, the DRB cannot conclude that the Applicant's discharge was improper or inequitable. She received an Article 15 for misconduct and committed further misconduct resulting in the vacation of a suspension reduction in grade to Airman Basic. She received three Letters of Reprimand and two Letters of Counseling, and admits to even more misconduct which is not documented in her record.

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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Scott AFB, IL on 29 May 03 UP AFI 35-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 17 Jul 82. Enlmt Age: 19 9/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-63, E-35, G-52, M-50. PAFSC: 4A031 - Health Service Management Apprentice. DAS: 18 Dec 02.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 May 02 for 4 yrs. Svd: 1 Yrs 0 Mo 23 Das, all AMS.

b. Grade Status: AB - 10 Mar 03 (Vacation of Article 15, 5 May 03)
Amn - 7 Nov 02

c. Time Lost: None.

d. Art 15's: (1) 5 May 03, Vacation, Scott AFB, IL - Article 92. You, having knowledge of a lawful order issued by [REDACTED] to refrain from making any contact with [REDACTED], an order which it was your duty to obey, did, on or about 11 Apr 03 and on or about 12 Apr 03, fail to obey the same by wrongfully going to [REDACTED] dormitory room and making contact with him. Reduction to AB. (No appeal) (No mitigation)

(2) 10 Mar 03, Scott AFB, IL - Article 107. You, did, on or about 13 Feb 03, with intent to deceive, make to [REDACTED], an official statement, to wit: "[REDACTED] told me it was okay to take leave," which statement was totally false, and was then known by you to be so false. Suspended reduction to AB. Forfeiture of \$50.00 pay per month for 2 months, 15 days restriction, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 06 FEB 03 - Uniform violation and failing to follow instructions.

LOR, 22 JAN 03 - Late for work.

LOC, 22 JAN 03 - Late for work.

LOC, 21 JAN 03 - Failure to comply with dormitory
inspection standards.
LOR, 02 OCT 02 - Unlawfully entering a male airman's
dormitory room without permission or as a
function of CQ duty.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (0) Mos (23) Das
TAMS: (1) Yrs (0) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Jun 04
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority
for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Letter of Support.

6AUG04/ia



MAY 15 2003

MEMORANDUM FOR [REDACTED]

FROM: 375 AMDS/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 General.

2. My reasons for this action are as follows:

a. You, having knowledge of a lawful order issued by [REDACTED] to refrain from making any contact with [REDACTED], an order which it was your duty to obey, did at or near Scott Air Force Base, Illinois, on or about 11 April 2003 and 12 April 2003, fail to obey the same by wrongfully going to [REDACTED]'s room and making contact with him. For this offense, you received a vacation of suspended nonjudicial punishment, dated 5 May 03 (Atch 1).

b. You did, at or near Scott Air Force Base, IL, on or about 13 February 2003, with intent to deceive, make to [REDACTED], an official statement, to wit: [REDACTED] told me it was okay to take leave," which statement was totally false, and was then known by you to be so false. For this offense, you received nonjudicial punishment, dated 10 Mar 03. This was placed in your existing Unfavorable Information File (UIF) (Atch 2).

c. On 31 Jan 03, you failed to have your stripes sewn on your uniforms as instructed by the First Term Airman Center Staff. They counseled you on four separate occasions to have this accomplished. For this misconduct, you received a Letter of Reprimand (LOR), dated 6 Feb 03, which was filed in your existing UIF (Atch 3).

d. On 22 Jan 03, you failed to report to your duty section at the required time. For this misconduct, you received a LOR, dated 22 Jan 03, which was filed in your existing UIF (Atch 4).

e. On 21 Jan 03, you failed to report to your duty section at the required time. For this, you received a Letter of Counseling (LOC), dated 22 Jan 03 (Atch 5).

f. On 10 Jan 03, your dormitory room was found to be below standards when it was volunteered for an inspection. For this misconduct, you received a LOC, dated 21 Jan 03 (Atch 6).

g. On or about 27 Sep 02, you violated Air Education and Training Command general guidelines by entering a male airman's dormitory room with neither the permission of your chain of command, nor as a function of your CQ duty. For this misconduct, you received a LOR, dated 2 Oct 02, which was filed in your existing UIF (Atch 7).

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 discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education 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 with the Area Defense Counsel, Building 7, Scott AFB, Illinois, DSN 576-3246, on 19 May 03 at 0930 hours. 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 workdays 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 must report to the 375th Medical Group, Force Health Management, with your medical records as soon as possible after you receive this notification for a records review. If necessary, they will schedule a doctor's appointment for you. Report completion of this task to me by 20 May 03.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of the AFI 36-3208 is available for your use in the squadron orderly room or local Area Defense Counsel's office.



Col, USAF

Commander

Attachments:

1. AF Form 366, dtd 5 May 03
2. AF Form 3070, dtd 10 Mar 03
3. LOR, dtd, 6 Feb 03/ AF Form 1058, dtd 24 Feb 03
4. LOR, dtd 22 Jan 03/ AF Form 1058, dtd 23 Jan 03
5. LOC, dtd 21 Jan 03
6. LOC, dtd 22 Jan 03
7. LOR, dtd 2 Oct 02/ AF Form 1058, dtd 2 Oct 02
8. Receipt of Notification Memorandum
9. Airman's Statement