

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN
[REDACTED]		SRA	[REDACTED]

TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

MEMBER SITTING	VOICE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
[REDACTED]					X
					X
					X
					X
					X

ISSUES	A94.05	INDEX NUMBER	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
14 Sep 2004	FD-2004-00261

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL FACTS

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

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

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

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) on September 2, 2004, but phoned in to say she had been deployed to Bosnia with her civilian contractor. Applicant was instructed to furnish the DRB documentation to substantiate this by September 9, 2004, but failed to do so.

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

FINDINGS: Upgrade of discharge and change of reason and authority for 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: The applicant received a general discharge for misconduct due to minor disciplinary infractions and cited one issue:

Issue 1. Applicant contends that she was wrongfully discharged and the issues for which she was discharged were issues that should not warrant this type of discharge. The records indicated the applicant received three Article 15s, three Letters of Reprimand, one Letter of Admonishment, and three Letters of Counseling. 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 in that it included willful failures to obey direct orders, derelictions of duties, reporting late for work, improper use of government travel card, and a willful violation of Air Force Technical School Phase Program restrictions. The characterization of the discharge received by the applicant was found to be appropriate.

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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Langley AFB, VA UP AFI 36-3208, 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: 13 Aug 80. Enlmt Age: 20 8/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-59, E-50, G-53, M-40. PAFSC: 3M051 - Services Journeyman. DAS: 22 Apr 02.

b. Prior Sv: (1) AFRes 20 Apr 01 - 10 Jul 01 (2 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Jul 01 for 6 yrs. Svd: 2 Yrs 7 Mo 15 Das, all AMS.

b. Grade Status: SrA - 24 Dec 03
A1C - 24 Aug 01

c. Time Lost: None.

d. Art 15's: (1) 12 Dec 03, Langley AFB, VA - Article 91. You, having received a lawful order from SSgt [REDACTED] a noncommissioned officer, the known by you to be a noncommissioned officer, to return to the kitchen, an order which it was duty to obey, did, at or near Baghdad International Airport, Iraq, on 26 Nov 00, willfully disobey the same. Article 117. You did, at or near Baghdad International Airport, Iraq, on 26 Nov 03, wrongfully use provoking words, to wit: "Try me," or words to that effect, towards SrA [REDACTED] and gestures, to wit: raising a knife in front of you in the direction of SrA [REDACTED]. Thirty days extra duty. (No appeal) (No mitigation)

(2) 30 Apr 03, Langley AFB, VA - Article 92. You, who knew, or should have known, of your duties at or near Al Udeid AB, Doha, Qatar, on or about 15 Nov 02, were derelict in the performance of those duties in that you willfully failed to properly use your government travel charge card, as it was your duty to do. Suspended reduction to Airman (remitted 6 Aug 03). Forfeiture of \$150.00 pay per month for 2 months. Fourteen days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

(3) 6 Dec 01, Keesler AFB, MS - Article 92. You, who knew of your duties at Keesler AFB, MS, on or about 9 Nov 01, were derelict in the performance of those duties in that you willfully failed to abide by Second Air Force Phase Program restriction, by failing to refrain from departing Keesler AFB, MS, as it was your duty to do. Thirty days correctional custody. (Appeal/Withdrawn) (No mitigation)

e. Additional: LOA, 29 JAN 04 - Willful disregard for Chain of Command and respect for authority.

LOC, 15 OCT 02 - Late for work.

LOR, 05 SEP 02 - Unsatisfactory performance.

LOC, 15 OCT 02 - Late for work.

LOC, 15 AUG 02 - Unsatisfactory performance.

LOC, 15 AUG 02 - Disobeying a lawful order.

LOR, 11 JUN 02 - Dereliction of duty.

LOR, 14 JUN 02 - Disobeying a direct order.

f. CM: None.

g. Record of SV: 11 Jul 01 - 11 Mar 03 Langley AFB 3 (Initial)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (10) Mos (6) Das

TAMS: (2) Yrs (7) Mos (15) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 6 Jul 04

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I feel I was wrongfully discharged from the Air Force. I feel that the issues in which I was given an Under Honorable Conditions were for issues that should not warrant this type of discharge. I have requested to go before the Board in Washington to explain these circumstance (sic) and request that I be granted and upgrade of character as well as my RE Code. I would like to return to active duty to continue servicing (sic) my country in this time of need.

ATCH

1. DD Form 214.

12AUG04/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA

FEB 06 2004

MEMORANDUM FOR SENIOR [REDACTED]

FROM: 1 SVS/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 AFD 36-32, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, Paragraph 5.49. If my recommendation is approved, your service will be characterized as an under honorable conditions (General) discharge. I am recommending that your service be characterized as an under honorable conditions (General) discharge.
2. My reason for this action is:
 - a. On or about 9 Nov 01, you failed to abide by Second Air Force Phase Program restrictions, by failing to refrain from departing Keesler Air Force Base, Mississippi. For this incident, you received an Article 15 with a punishment of 30 days correctional custody, dated 6 Dec 01.
 - b. On 7 Jun 02, you failed to obey a direct order to remove nail polish from your fingers prior to returning to duty in the Dining Facility. For this incident, you received a Letter of Reprimand (LOR), dated 14 Jun 02.
 - c. On 8 Jun 02, you failed to complete bay orderly responsibilities. For this incident, you received a LOR, dated 11 Jun 02. An Unfavorable Information File was established as a result of this LOR action.
 - d. On 7 Aug 02, you failed to obey an order to cut your fingernails before returning to work. For this incident, you received a Letter of Counseling (LOC), dated 15 Aug 02.
 - e. On 15 Aug 02, you failed to comply with an established food preparation standard by preparing gravy 5 hours prior to serving time. For this incident, you received a LOC, dated 15 Aug 02.
 - f. On 5 Sep 02, you failed to pay attention to the start and finish times for preparing mashed potatoes as she had been instructed. For this incident, you received a LOR, dated 5 Sep 02.
 - g. On 11 and 12 Oct 02, you reported late for work. For these incidents, you receive a LOC, dated 15 Oct 02.

h. On or about 15 Nov 02, you willfully failed to properly use your government travel charge card. For this incident, you received a punishment of reduction to the grade of Airman (suspended), forfeiture of \$150 pay per month for two months, 14 days extra duty, and a reprimand, dated 30 Apr 03. This was filed in your UIF.

i. On 26 Nov 03, the you willfully disobeyed a lawful order to return to your duty station. In addition, you wrongfully used provoking words and gestures towards another airman. For these incidents, you received an Article 15 with a punishment of 30 days extra duty, dated 12 Dec 03. This action was also filed in your UIF.

j. On 28 Jan 04, you failed to obey an order to wait until after completing the extra duty portion of your Article 15 punishment and to wait for the commander's final decision on your dorm residency status before requesting an acceleration of your RNLT. For this incident, you received a Letter of Admonishment (LOA), dated 29 Jan 04.

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 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 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 ADC at bdg 151, on 6 Feb 04, at 1500 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 by _____ 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 to 1MDG on 9 Feb 04, at 1100 hours for the examination.

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 ADC.

9. Execute the attached acknowledgements and return them to me immediately.



Lt Col, USAF
Commander, 1 SVS.

Attachments:

1. Supporting Documents

1a. Article 15, dated 14 Dec 01

1b. LOR, 14 Jun 02

1c. LOR, 11 Jun 02

1d. LOC, 15 Aug 02

1e. LOC, 15 Aug 02

1f. LOR, 5 Sep 02

1g. LOC, 15 Oct 02

1h. Article 15, 30 Apr 03

1i. Article 15, 12 Dec 03

1j. LOA, 29 Jan 04

1k. AF Form 1137

2. Receipt of Notification Memorandum