

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE	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	UOHC	OTHER	DENY
							X
							X
							X
							X
ISSUES	A93.01	INDEX NUMBER	A67.90	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	15 Oct 2004	CASE NUMBER	FD-2004-00264				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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							
INDORSEMENT							
TO:			DATE: 10/15/2004				
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-2004-00264

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 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 and change of reason and authority for discharge, and change of reenlistment code are 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.

ISSUE: Applicant contends that she was young and immature at the time of her service. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence she did not know right from wrong. The records indicated the applicant received two Article 15s, four Letters of Reprimand and one Letter of Counseling 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.

Applicant would like to enter the Air Force Reserves as justification for upgrade. The Board appreciated that she claimed responsibility for previous actions, but this is not a matter of inequity or impropriety that would warrant an upgrade. The Board concluded the misconduct of the applicant appropriately characterized her term of service.

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)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Davis-Monthan AFB, AZ on 6 Nov 03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 25 May 84. Enlmt Age: 17 9/12. Disch Age: 19 5/12. Educ: HS DIPL. AFQT: N/A. A-57, E-40, G-34, M-28. PAFSC: 3A031 - Information Management. DAS: 21 Apr 03.

b. Prior Sv: (1) AFRes 20 Mar 02 - 26 Aug 02 (5 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Aug 02 for 4 yrs. Svd: 1 Yrs 2 Mo 10 Das, all AMS.

b. Grade Status: AB - 15 Oct 03 (Article 15, 15 Oct 03)
 Amn - 27 Feb 03

c. Time Lost: None.

d. Art 15's: (1) 15 Oct 03, Davis-Monthan AFB, AZ - Article 134. You, being indebted to the Davis-Monthan Federal Credit Union in the sum of \$652.00 for a car payment, which amount became due and payable on or about 20 Jul 03, did, from on or about 1 Oct 03 to on or about 6 Oct 03, dishonorably fail to pay said debt. You, being indebted to the Davis-Monthan Federal Credit Union in the sum of \$652.00 for a car payment, which amount became due and payable on or about 20 Aug 03, did, from on or about 6 Oct 03 to on or about 7 Oct 03, dishonorably fail to pay said debt. Reduction to AB. (No appeal) (No mitigation)

(2) 26 Jun 03, Davis-Monthan AFB, AZ - Article 86. You did, on or about 10 Jun 03, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to AB. Forfeiture of \$150.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 07 OCT 03 - Failure to maintain cleanliness/sanitary standards in assigned government housing unit.

LOR, 12 SEP 03 - Dereliction of duty.

LOR, 09 JUN 03 - Failure to go and late for work on two occasions.
LOC, 02 MAY 03 - Failure to go.
LOR, 25 APR 03 - Failure to obey a lawful order and making false official statements.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (2) Mos (17) Das
TAMS: (1) Yrs (2) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 May 04.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Character Reference.

17AUG04/ia

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved
OMB No. 0704-0004
Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.**

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA *(The person whose discharge is to be reviewed).* **PLEASE PRINT OR TYPE INFORMATION.**

a. BRANCH OF SERVICE <i>(X one)</i>	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME <i>(Last, First, Middle Initial)</i>	c. GRADE/RANK AT DISCHARGE			d. SOCIAL SECURITY NUMBER	
[REDACTED]	E-1			[REDACTED]	

2. DATE OF DISCHARGE OR SEPARATION <i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i>	4. DISCHARGE CHARACTERIZATION RECEIVED <i>(X one)</i>		5. BOARD ACTION REQUESTED <i>(X one)</i>	
	<input type="checkbox"/>	HONORABLE		<input checked="" type="checkbox"/> CHANGE TO HONORABLE
	<input checked="" type="checkbox"/>	GENERAL/UNDER HONORABLE CONDITIONS		CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/>	UNDER OTHER THAN HONORABLE CONDITIONS		CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i>
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	<input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i>		CHANGE NARRATIVE REASON FOR SEPARATION TO:	
355 IRS / Davis-Monthan AFB AZ	<input type="checkbox"/> UNCHARACTERIZED <i>OTHER (Explain)</i>			

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST *(Continue in Item 14. See instructions on Page 3.)*
Request for change of Reenlistment Code for further service with the Air Force Reserve.

7. *(X if applicable)* AN APPLICATION WAS PREVIOUSLY SUBMITTED ON *(YYYYMMDD)* _____
AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: *(Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)*

- Memorandum for record, Reenlistment code change.
- Charactor Letter from TSgt [REDACTED] (Recruiter)

9. TYPE OF REVIEW REQUESTED *(X one)*

CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR *(counsel/representative)* WILL NOT APPEAR BEFORE THE BOARD.

I AND/OR *(counsel/representative)* WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.

I AND/OR *(counsel/representative)* WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO *(enter city and state)* _____
(NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE <i>(if any)</i> NAME <i>(Last, First, Middle Initial)</i> AND ADDRESS <i>(See Item 10 of the instructions about counsel/representative.)</i>	b. TELEPHONE NUMBER <i>(Include Area Code)</i>
	c. E-MAIL
	d. FAX NUMBER <i>(Include Area Code)</i>

NA

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name *(print)* _____ and relationship by marking a box below.

SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER *(Specify)* NA

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE <i>(Forward notification of any change in address.)</i>	b. TELEPHONE NUMBER <i>(Include Area Code)</i>
	c. E-MAIL
	d. FAX NUMBER <i>(Include Area Code)</i>
	480-927-2976

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. <i>(U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)</i>	CASE NUMBER <i>(Do not write in this space.)</i>
	FD 2004-00264
a. SIGNATURE - REQUIRED <i>(Print name of signatory in Item 11 above)</i>	b. DATE SIGNED - REQUIRED <i>(YYYYMMDD)</i>
[REDACTED]	20040524



DEPARTMENT OF THE AIR FORCE

AIR FORCE RESERVE COMMAND

FD 2004-00264

24 May 2004

MEMORANDUM: 944th Reserve Command Unit
FROM: [REDACTED]
SUBJECT: Reenlistment Code Change

I think that my Reenlistment Code should be changed because of the fact that I realize the mistakes I made as a young Airman were childish and selfish. Most of all I made my squadron look bad. As an enlisted Airman in the United States Air Force I represent the Air Force as well as the unit I worked in. I am expected to set an example, and to also uphold the core values; integrity, service before self, and excellence in all we do.

I feel that now being a new mother and knowing the responsibilities that I have not only to myself but to also my daughter as well, I know that everything that I do in my life I am representing her and teaching her how to become a better person. It's the same when you are in the United States Military, you have responsibilities and are expected to take care of them without having to be told or watched over. As young airman we think that we know everything and don't need the help or guidance that our mothers, or teachers, or supervisors give us. That is why we make these childish mistakes, and they not only hurt ourselves, but most importantly we are hurting the mission, as far as all the time and money and energy spent to teach us how to be an outstanding Airman, by acting like children we are saying to our Recruiters, Training instructors, and everyone else that has helped us succeed that we don't care about anything the Air Force is doing and if we hurt anyone it's okay.

I am an adult, and I was being treated as one, but yet I never acted as one, and up until I realized that my future was in jeopardy, not only with my career in the Air Force but also with my family, how I let them down, I knew that I was being selfish and that the world does not revolve around me, but that I am going to have an open mind and listen to what people are trying to teach me, and I understand that I "don't" know everything.

To sum it all up, I have nothing but remorse as to how I've acted and I am truly sorry. I even made it a point to call my commander and apologize for my past actions behavior. In doing this, he responded that I grew not only as an Airman but also as a person in admitting my mistakes. I hope that I can receive a second chance to serve my country, and be the airman that I was trained to be. The best decision I ever made was to join the military and now I know why. Please take into consideration my response, and again I'm truly very sorry.

Sincerely,
[REDACTED]



DEPARTMENT OF THE AIR FORCE
355TH LOGISTICS READINESS SQUADRON (ACC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

FD 7004-00264

OCT 31 2003

MEMORANDUM FOR AB [REDACTED] 355 LRS

FROM: 355 LRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, specifically conduct prejudicial to good order and discipline. The authority for this action is AFI 36-3208, paragraph 5.50.2 and AFPD 36-32. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending your service be characterized as general.
2. My reasons for this action are:
 - a. On 24 Apr 03, you failed to go at the time prescribed to your appointed place of duty. Additionally, on 24 Apr 03, you made a false official statement specifically, stating that you had a scheduled medical appointment at 1400, a statement then known by you to be false. As a result, you received a Letter of Reprimand (LOR) on 25 Apr 03 (Tab A).
 - b. On 1 May 03, you failed to go at the time prescribed to your appointed place of duty. As a result, you received a Letter of Counseling (LOC) on 2 May 03 (Tab B).
 - c. On 13 May 03 and on 16 May 03, you failed to go at the time prescribed to your appointed place of duty, specifically, First Term Airman's Center (FTAC). As a result, you received an LOR on 9 Jun 03 (Tab C).
 - d. On or about 10 Jun 03, you failed to go at the time prescribed to your appointed place of duty, specifically, building 4455. As a result, you received punishment under Article 15, UCMJ, on 26 Jun 03 (Tab D).
 - e. On 27 Aug 03, you were derelict in the performance of your duties in that you failed to notify two individuals of their Physical Health Assessment (PHA) appointments. Additionally, on 3 Sep 03, you were again derelict in the performance of your duties in that you failed to cancel a member's PHA appointment thus resulting in the squadron's third "no show" notification. As a result, you received an LOR on 12 Sep 03 (Tab E).
 - f. Between 14 Sep 03 and 28 Sep 03, an investigation disclosed that you failed to maintain cleanliness/sanitary standards in your assigned government housing unit. As a result, you received an LOR on 7 Oct 03 (Tab F).

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g. Between the months of July and Aug 03, you dishonorably failed to pay two just debts to Davis-Monthan Federal Credit Union in the sum of \$1304.00. As a result, you received punishment under Article 15, UCMJ, on 15 Oct 03 (Tab G).

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 and will probably be denied enlistment in any component of the armed forces 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, Capt [REDACTED] AFLSA/ADC, 228-5664, has been obtained to assist you. An appointment has been scheduled for you to consult her on 31 Oct 03 at 0900 hours in Bldg 3510. 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 5 Nov 03 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 your designated panel of the Aeromedical Facility, Bldg 400, at 1406 on 3 Nov 03 for the examination.

8. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, Bldg 3200, Rm 120, at 1130 on 31 Oct 03 for the outprocessing briefing. If you have questions, please call 228-5326.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. You may contact the Area Defense Counsel to obtain a copy of AFI 36-3208.

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

[REDACTED]
Lt Col, USAF
Commander

Attachments:

- 1. Supporting Documents
 - a. LOR, 25 Apr 03 (2 pages)
 - b. LOC, 2 May 03 (2 pages)

- c. LOR, 9 Jun 03 (2 pages)
- d. AF Form 3070, Record of Nonjudicial Punishment Proceedings, 26 Jun 03 (3 pages),
Response (2 pages), AF Form 1137 (1 page)
- e. LOR, 12 Sep 03 (2 pages), AF Form 1137 (1 page)
- f. LOR, 7 Oct 03 (2 pages), AF Form 1137 (1 page)
- g. AF Form 3070, Record of Nonjudicial Punishment Proceedings, 15 Oct 03 (3 pages),
Response (2 pages), w/Evidence (28 pages)