

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

ISSUES A94.05	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 07 Oct 2004	CASE NUMBER FD-2004-00299			

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		DATE: 10/7/2004
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-2004-00299

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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, three Letters of Reprimand, and six Letters of Counseling for various acts of misconduct. The applicant states that she was being forced out of the Air Force by her brand new first sergeant and commanding officer after she was assaulted in March of 2003. This issue is without merit. The records clearly indicate a pattern of misconduct that started in April of 2001 and continued through October 2003. The DRB opined that failure to obey lawful orders, dereliction of duty, transmitting pornographic images on her government computer and distributing marijuana had nothing to do with the alleged assault. 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. 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]

(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Edwards AFB, CA on 7 Nov 03 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 8 Sep 79. Enlmt Age: 20 1/12. Disch Age: 24 1/12. Educ: HS DIPL. AFQT: N/A. A-86, E-49, G-53, M-34. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 11 May 00.

b. Prior Sv: (1) AFRes 15 Oct 99 - 22 Nov 99 (1 month 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Nov 99 for 6 yrs. Svd: 3 Yrs 11 Mo 16 Das, all AMS.

b. Grade Status: AB - 8 Oct 03 (Article 15, 8 Oct 03)
SrA - 7 May 02
A1C - 7 Jan 00

c. Time Lost: None.

d. Art 15's: (1) 8 Oct 03, Edwards AFB, CA - Article 92. You, did, on or about 12 Sep 03, violate a lawful general regulation, to wit: paragraphs 3.1 and 3.3, AFI 33-119, Electronic Mail (E-Mail) Management and Use, dated 1 Mar 99, by wrongfully transmitting pornographic images via your government electronic mail account. Article 112a. You, did, on or about 29 May 03, wrongfully distribute an unknown quantity of marijuana. You, did, on or about 30 May 03 and on or about 31 May 03, wrongfully distribute an unknown quantity of marijuana. Reduction to AB. (No appeal) (No mitigation)

e. Additional: RIC, 24 SEP 03 - Late for duty.
LOR, 11 SEP 03 - Dereliction of duty.
LOR, 09 SEP 03 - Failure to obey a lawful order.
RIC, 25 AUG 03 - Failure to inform supervisor of appointment.
LOR, 15 AUG 03 - Leaving place of duty without authority.
RIC, 11 FEB 03 - Late for mandatory meeting.
RIC, 07 FEB 03 - Failure to follow instructions.
RIC, 05 DEC 02 - Failure to follow instructions.
RIC, 01 APR 01 - Failure to establish suitable dependent care program.

f. CM: None.

g. Record of SV: 23 Nov 99 - 22 Jul 01 Edwards AFB 5 (Initial)
23 Jul 01 - 22 Jul 02 Edwards AFB 5 (Annual)
23 Jul 02 - 22 Jul 03 Edwards AFB 3 (Annual)

h. Awards & Decs: AFTR, NDSM, MBOB.

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (24) Das
TAMS: (3) Yrs (11) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Jul 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues with 20 Attachments.

26AUG04/ia

14 JULY 2004

MEMORANDUM FOR AIR FORCE REVIEW BOARD AGENCY**FROM:** **SUBJECT: WHY AN UPGRADE OR CHANGE IS REQUESTED
AND JUSTIFICATION FOR THE REQUEST**

1) I was discharged from the United States Air Force on 7 November 2003, with a General/Under Honorable Conditions Discharge. Under the circumstances, I felt nothing less than an Honorable Discharge was in order.

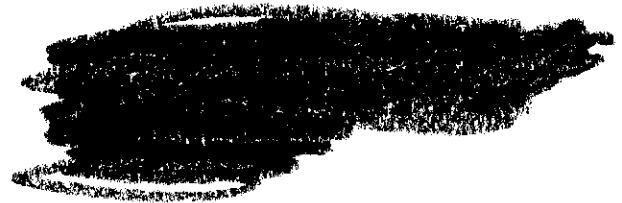
2) 23 November 1999, I began my Air Force career. From that day on, the Air Force Core Values were instilled in my brain. **"INTEGRITY FIRST, SERVICE BEFORE SELF, EXCELLENCE IN ALL WE DO!"**

Based on my awards and achievements, alone, anyone can see that I have exceeded the standards in all three Core Values. I received several awards, volunteered for T.D.Y.s and shined in my work and appearance.

In March 2003, I was the victim of sexual assault by an Airman in my squadron. Civilian officers arrested this Airman. When the civilians released him, the Air Force discharged him (Other than Honorable Conditions/General). His discharge was one step below mine, which seems as an insult to me, being one step above a rapist. After the assault I immediately began to receive numerous misconduct letters. With those came an Unfavorable Information Form. Next, came an Article 15 (UCMJ). It was crystal clear what was going on... I was being forced out of the Air Force by my brand new first sergeant and commanding officer. I was falsely accused of two completely different situations. I was guilty of neither. What I was guilty of was not brought before me. However, I admitted being guilty of something I was not charged with.

With such accusations I feel a discharge, not to mention General/Under Honorable Conditions, was rather harsh. Especially when my awards outweigh my alleged misconduct.

3) With all the attachments I have set before you, I have made it quite obvious what has been done. I was a highly decorated Airman with dedication and honor. I have been the prey of slander and false accusations.



Attachments:

See DD FORM 293 SECTION 8a and 8b.

**8a) IN SUPPORT OF THIS APPLICATION, THE FOLLOWING
ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE:**

ATTACHMENT 1)	PEOPLE'S VOICE AWARD 18 MAY 2001
ATTACHMENT 2)	ARMAMENT FLIGHT MAINTENANCE PROFESSIONAL OF THE MONTH 7 JUNE 2001
ATTACHMENT 3)	ENLISTED PERFORMANCE REPORT 22 JULY 2001
ATTACHMENT 4)	COMBAT ARMAMENT SYSTEMS TEAM OF THE MONTH 5 SEPTEMBER 2001
ATTACHMENT 5)	COMBAT ARMAMENT SYSTEMS TEAM OF THE QUARTER 18 OCTOBER 2001
ATTACHMENT 6)	THE ARMED FORCES EXPEDITIONARY MEDAL 14 SEPTEMBER 2001-1 NOVEMBER 2001
ATTACHMENT 7)	COMBAT ARMAMENT SYSTEMS TEAM OF THE QUARTER 20 DECEMBER 2001
ATTACHMENT 8)	COMBAT ARMAMENT SYSTEMS TEAM OF THE MONTH 29 JANUARY 2002
ATTACHMENT 9)	COMBAT ARMAMENT SYSTEMS TEAM OF THE MONTH 19 FEBRUARY 2002
ATTACHMENT 10)	COMBAT ARMAMENT SYSTEMS TEAM OF THE MONTH 24 JUNE 2002
ATTACHMENT 11)	COMBAT ARMAMENT SYSTEMS TEAM OF THE QUARTER 24 JUNE 2002
ATTACHMENT 12)	PERFORMANCE FEEDBACK WORKSHEET 8 JULY 2002
ATTACHMENT 13)	MAINTENANCE ACHIEVEMENT AWARD (JUNE 2002) 22 JULY 2002
ATTACHMENT 14)	ENLISTED PERFORMANCE REPORT 22 JULY 2002
ATTACHMENT 15)	COMBAT ARMAMENT SYSTEMS TEAM OF THE MONTH 23 JULY 2002
ATTACHMENT 16)	ARMAMENT FLIGHT MAINTENANCE PROFESSIONAL OF THE MONTH 23 JULY 2002
ATTACHMENT 17)	COMBAT ARMAMENT SYSTEMS TEAM OF THE MONTH 21 AUGUST 2002
ATTACHMENT 18)	COMBAT ARMAMENT SYSTEMS TEAM OF THE QUARTER 20 SEPTEMBER 2002
ATTACHMENT 19)	AIRMAN OF THE QUARTER RUNNER-UP OF THE SQUADRON AIRMAN OF THE QUARTER OF THE MAINTENANCE GROUP AIRMAN OF THE QUARTER NOMINEE OF THE BASE JULY 2002-SEPTEMBER 2002
ATTACHMENT 20)	ARMAMENT TEAM OF THE YEAR 2002



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 412TH TEST WING (AFMC)
EDWARDS AIR FORCE BASE, CALIFORNIA

FD 2004-00 297

MEMORANDUM FOR AF [REDACTED] 412 EMS

OCT 21 2003

FROM: 412 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct (Conduct Prejudicial to Good Order and Discipline). The authority line for this action is AFPD 36-32, Military Retirements and Separations, and AFI 36-3208, Administrative Separation of Airmen, paragraph 5.50.2. If my recommendation is approved, your discharge can be characterized as either Honorable or Under Honorable Conditions (General). I am recommending that your service be characterized as Under Honorable Conditions (General).

2. The following derogatory data was used to form the basis for discharge (Pattern of Misconduct) and was used to determine the recommended characterization of the discharge (General):

a. On or about 10 Apr 01, you failed to go to report to work on time, due to the fact that your child was sick and you did not have anyone to care for your child, as evidenced by a Letter of Counseling, dated 10 Apr 01 (Atch 1.1).

b. On or about 4 Dec 02, you failed to obey an order from your supervisor to not get breakfast while you are not on break, as evidenced by a Letter of Counseling, dated 5 Dec 02 (Atch 1.2).

c. On or about 7 Feb 03, you violated shop policies by going on an unscheduled break without permission of the shift supervisor, as evidenced by a Letter of Counseling, dated 7 Feb 03 (Atch 1.3).

d. On or about 5 Feb 03, you failed to report to work on time, as evidenced by a Letter of Counseling, dated 11 Feb 03 (Atch 1.4).

e. On or about 12 Aug 03, you left your appointed place of duty, as evidenced by a Letter of Reprimand, dated 15 Aug 03 (Atch 1.5).

f. On or about 25 Aug 03, you scheduled a meeting during duty hours without notifying your chain of command, as evidenced by a Letter of Reprimand, dated 25 Aug 03 (Atch 1.6).

g. On or about 28 Aug 03, you failed to obey an order from your supervisor to not schedule or cancel an appointment without first clearing it through your chain of command, as evidenced by a Letter of Reprimand, dated 9 Sep 03 (Atch 1.7).

h. On or about 10 Sep 03, you were derelict in the performance of your duties, by signing a Composite Tool Kit log as being complete, when a tool was missing, as evidenced by a Letter of Reprimand and Unfavorable Information File entry, dated 11 Sep 03 (Atch 1.8).

i. On or about 24 Sep 03, you failed to report to work on time, as evidenced by a Letter of Counseling and Unfavorable Information File entry, dated 24 Sep 03 (Atch 1.9).

j. On or about 12 Sep 03, you violated a lawful general regulation, by wrongfully transmitting pornographic images via your government electronic mail account, a violation of Article 92, UCMJ. Between on or about 29 May 02 and on or about 31 May 03, you wrongfully distributed marijuana, a violation of Article 112a, UCMJ. These violations are evidenced by an AF Form 3070 (Article 15), dated 8 Oct 03 (Atch 1.10).

k. On or about 15 Oct 03, you failed to report to work on time, as evidenced by a Letter of Reprimand, dated 15 Oct 03 (Atch 1.11).

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 convening authority (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.

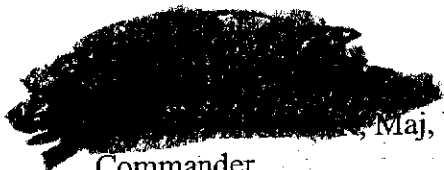
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult ADC at Bldg 2670 on 21 OCT 03 at 0900. You may consult civilian counsel at your own expense.

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 24 OCT 03 (3 duty days) unless you request and receive an extension for good cause. 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 the Physical Examination Section, Flight Surgeon's Office, Bldg 3925, at 0730 on 22 OCT 03 for the examination. 0900

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.



Commander

Maj, USAF

Attachments:

- 1.1 LOC, dated 10 Apr 01
- 1.2 LOC, dated 5 Dec 02
- 1.3 LOC, dated 7 Feb 03
- 1.4 LOC, dated 11 Feb 03
- 1.5 LOR, dated 15 Aug 03
- 1.6 LOR, dated 25 Aug 03
- 1.7 LOR, dated 9 Sep 03
- 1.8 LOR, dated 11 Sep 03
- 1.9 LOC, dated 24 Sep 03
- 1.10 AF Form 3070, dated 8 Oct 03
- 1.11 LOR, dated 15 Oct 03
2. Airman's Receipt of Notification/Recoupment Statement
3. Airman's Statement
4. EPR