

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
									X
ISSUES A94.05		INDEX NUMBER A49.00			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 13 Dec 2004		CASE NUMBER FD-2004-00308							
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR,</p>									
INDORSEMENT									
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-2004-00308

GENERAL: The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and 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, 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: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, five Letters of Reprimand and two Letters of Counseling for various 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. 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

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Maxwell AFB, AL on 17 Jun 02 UP AFI 36-3208, para 5.26.4 (Misconduct - Unsatisfactory Performance). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 12 Nov 77. Enlmt Age: 19 1/12. Disch Age: 24 7/12. Educ: HS DIPL. AFQT: N/A. A-63, E-33, G-28, M-28. PAFSC: 3S051 - Personnel Journeyman. DAS: Unknown.

b. Prior Sv: (1) AFRes 16 Dec 96 - 21 Oct 97 (10 months 6 days) (Inactive).
(2) Enlisted as A1C 22 Oct 97 for 4 yrs. Svd: 3 yrs 5 months 21 days, all AMS. SrA - 22 Feb 00. EPRs: Unknown.

3. **SERVICE UNDER REVIEW:**

- a. Reenlisted as SrA 13 Apr 01 for 4 yrs. Svd: 1 Yrs 2 Mo 4 Das, all AMS.
- b. Grade Status: None.
- c. Time Lost: None.
- d. Art 15's: (1) 22 May 02, Maxwell AFB, AL - Article 86. You did, on or about 10 May 02, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to A1C, and a reprimand. (No appeal) (No mitigation)
- e. Additional: (Examiner's Note: The following additional infractions are missing from file, but taken from the Notification Memorandum).
LOR, 21 MAY 02 - Financial irresponsibility.
LOR, 05 MAR 02 - Failure to obey orders.
LOR, 13 FEB 02 - Failure to have adequate family care arrangements.
LOR, 30 JAN 02 - Failure to communicate with supervisor and provide a family care plan to supervisor.
LOC, 01 NOV 01 - Late for appointment.
LOC, 14 NOV 01 - Unsatisfactory performance.
LOR, 31 OCT 01 - Failure to pay just debt.
- f. CM: None.

g. Record of SV: Unknown.

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

i. Stmt of Sv: TMS: (5) Yrs (6) Mos (2) Das
TAMS: (4) Yrs (7) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 Aug 04.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BREIF.

ATCH

1. Applicant's Issues.
2. Notification Memorandum.
3. Unfavorable Information Folder.
4. Response to Administrative Discharge.

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FD 2004-00 308

5 August 2004

MEMORANDUM FOR THE REVIEW BOARDS AGENCY

FROM: [REDACTED]

SUBJECT: Issues

I am attaching this letter to explain my other attachments better. While I was in the Air Force a lot of my short comings came from a lack of communication between me and my superiors. Since I've been out I've grown and now realize the mistakes I made and what I could've done in the past. Its easy to wish you could go back to the past, but life doesn't go backwards it only goes forward. I have matured and believe that I am a better person and can communicate well now.

I truly hope you will upgrade my discharge to honorable, as you can see my commander wanted me to have an honorable discharge, she said I was a good worker and a good person. I believe she probably saw something in me that just needed time to come out. As you can also see, I wasn't discharged for financial reasons, I did make some progress prior to separation.

I am not trying to be reinstated into the Air Force; however, I am trying to join the Army and with my reentry code 2 B, that is impossible, so I really need this upgrade. I want to go into the Army so that I may serve my country and help protect the people I love. I know they soon will start drafting, but I really want to be able to join the Army and help serve my country. I live in the [REDACTED] county area and it is hard to get a good job here, I need a good job to support my son better and to give him a good life. So please upgrade my records, the decision is in your hands, I just hope to receive a second chance...thank you.

Sincerely,

[REDACTED]



MAY 29 2002

MEMORANDUM FOR SENIOR AIRMAN [REDACTED]

FROM: ACSC/DPS

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory performance. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.26.1 and 5.26.4. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as honorable.
2. My reasons for this action are:
 - a. On 10 May 02, you failed to go at the time prescribed to your appointed place of duty. As a result you received an Article 15 on 22 May 02.
 - b. On 20 May 02, you failed to pay a just debt. As a result you received a Letter or Reprimand (LOR) on 21 May 02.
 - c. On 14 Feb 02, you failed to complete a family care plan, on 27 Feb 02, you failed to follow your supervisor's directions and failed to schedule and meet with the Personal Financial Management Counselor. As a result you received a Letter or Reprimand (LOR) on 5 Mar 02, and you were placed on the Control Roster.
 - d. On 12 Feb 02, you failed to have adequate family care arrangements. As a result you received a LOR on 13 Feb 02.
 - e. On 29 Jan 02, you failed to communicate with your supervisor and provide a family care plan to your supervisor. As a result you received a LOR on 30 Jan 02.
 - f. On 10 and 12 Nov 01, you engaged in an argument with your supervisor. As a result you received a Letter of Counseling (LOC) on 13 Dec 01.
 - g. On 31 Oct 01, you were late for an appointment. As a result you received a LOC on 1 Nov 01.
 - h. On 10 Sep 01, you failed to complete the in-processing of a new faculty member correctly. As a result you received a LOC on 14 Nov 01.
 - i. On 19 Sept 01, you failed to pay a just debt. As a result you received a LOR on 31 Oct 01.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court Martial 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.

3. 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 [REDACTED] on 30 May 02 at 1000. You may consult civilian counsel at your own expense.
4. You have the right to submit a statement on your own behalf. Any statements you want the separation authority to consider must reach me by 1600, 3 Jun 02 unless you request and receive an extension for good cause shown. I will send the statements to the separation authority.
5. 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.
6. You have been scheduled for a medical examination. You must report to the clinic at 0700 on 30 May 02 for the examination.
7. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of the AFI 36-3208 is available for your use on the Air Force Publications web site.



Attachments:

1. Letter of Reprimand (LOR), 21 May 02
2. LOR, 5 Mar 02
3. Control Roster, 5 Mar 02
4. LOR, 13 Feb 02
5. LOR, 30 Jan 02
6. Letter of Counseling (LOC), 13 Dec 01
7. LOC, 14 Nov 01
8. LOC, 1 Nov 01
9. LOR, 31 Oct 01