

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>			GRADE A1C		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>																																				
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HEARING DATE 10 Dec 2004		CASE NUMBER FD-2004-00338																																							
<p style="font-size: small; margin: 0;">APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</p> <p style="margin: 10px 0;">Case heard at Washington, D.C.</p> <p style="margin: 10px 0;">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>																																									
<div style="border: 1px dashed black; width: 100%; height: 30px;"></div>					DATE: 12/10/2004																																				
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-2004-00338

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 would like her discharge upgraded so that she may re-enter the military. The records indicated the applicant received an Article 15, one Letter of Reprimand, three Records of Individual Counseling and four tickets for misconduct which included drinking alcohol while under age, dereliction of duty, disrespect to a superior, missing appointments, and traffic infractions. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Edwards AFB, CA on 20 Dec 90 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 14 Apr 70. Enlmt Age: 17 3/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-51, E-60, G-52, M-47. PAFSC: 64551 - Material Storage and Distribution Specialist. DAS: 9 Sep 88.

b. Prior Sv: (1) AFRes 29 Jul 87 - 11 Jul 88 (11 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Jul 88 for 4 yrs. Extended 21 Jul 89 for 6 months. Extended 27 Sep 89 for 2 months. Extended 20 Jun 90 for 23 months. Svd: 2 Yrs 5 Mo 9 Das, all AMS.

b. Grade Status: A1C - 12 Nov 89
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 1 Nov 90, Edwards AFB, CA - Article 92. You did, on or about 2 Oct 90, fail to obey a lawful general regulation, to wit: AFR 215-7, paragraph 1-3a, dated 1 Jan 87, by consuming alcoholic beverages while under the age of 21 years. You did, on or about 11 Oct 90, fail to obey a lawful general regulation, to wit: AFR 215-7, paragraph 1-3a, dated 1 Jan 87, by consuming alcoholic beverages while under the age of 21 years. Suspended reduction to Airman. Sixty days restriction. (No appeal) (No mitigation)

e. Additional: LOR, 01 MAY 90 - Dereliction of duty, disobeying a direct order, and disrespect to a superior.
RIC, 09 FEB 90 - Missed appointment.
DD FORM 1408, 02 FEB 90 - Speeding.
LOA, 25 JAN 90 - Financial irresponsibility.
ROC, 06 JUN 89 - Failure to safeguard line badge.
DD 1408, 28 FEB 89 - Failure to have base registration decal on vehicle.
DD FORM 1408, 27 FEB 89 - Speeding.

ROC, UNDATED - Missed appointment.
DD 1408, 13 OCT 88 - Illegal parking.

f. CM: None.

g. Record of SV: 12 Jul 88 - 11 Mar 90 Edwards AFB 3 (Initial)
12 Mar 90 - 16 Aug 90 Edwards AFB 3 (CRO)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (4) Mos (22) Das
TAMS: (2) Yrs (5) Mos (9) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 19 Aug 04.

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

Issue 1: I would like to re-enter the military on active duty. Please change Reenlistment Code from 2B to either 2 or 1 so I may reenter active duty.

ATCH

None.

21SEP04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 6510TH TEST WING (AFSC)
EDWARDS AIR FORCE BASE, CALIFORNIA 93523-5000

FD 2804-00338



REPLY TO 6505 SUPS/CC
ATTN OF:

27 Nov 90

SUBJECT: Notification Letter

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. Traffic Ticket (13 Oct 89): You received a citation for parking in a prohibited area. For this offense you were counseled by the First Sergeant. (Attachment 1.1)
 - b. Failure to Go (24 Jan 89): You failed to go to a scheduled dental appointment. For this offense you were counseled by your supervisor. (Attachment 1.2)
 - c. Traffic Ticket (27 Feb 89): You received a citation for speeding. For this offense you were counseled by the First Sergeant. (Attachment 1.3)
 - d. Traffic Ticket (28 Feb 89): You received a citation for not having base registration decals on your vehicle. For this offense you were counseled by the First Sergeant. (Attachment 1.4)
 - e. Failure to Safeguard Line Badge (6 Jun 89): You received a Record of Individual Counseling for a repeated incident of not safeguarding your line badge. (Attachment 1.5)
 - f. Dishonored Check (6 Dec 89): You made and uttered a worthless check to [REDACTED] in the amount of \$900.00, and did thereafter dishonorably fail to maintain sufficient funds in the Edwards Air Force Base Federal Credit Union for payment of this check in full when presented for payment. For this offense you received a Letter of Admonition from the Squadron Section Commander and were entered into the Personal Financial Management Program (PFMP). (Attachment 1.6)
 - g. Traffic Ticket (2 Feb 90): You received a citation for speeding. For this offense you were counseled by the Squadron Section Commander. (Attachment 1.7)
 - h. Failure to Go (5 Feb 90): You failed to go to a scheduled medical appointment. For this offense you received a Record of Counseling from

your supervisor. (Attachment 1.8)

i. Dereliction of Duty (26 Apr 90)/Disobey Lawful Order (27 Apr 90)/Disrespect to Superior Noncommissioned Officer (27 Apr 90): You were derelict in the performance of your duties in that you were directed to bring specific documents with you to your PFMP appointment, which you later canceled because you did not have your paperwork. You disobeyed your supervisor's direct order, to wit: bringing in said paperwork for safe-keeping to ensure readiness for the rescheduled appointment. You were disrespectful to your Branch Superintendent, then known by you to be your superior Noncommissioned Officer, when confronted with your rationale for not obeying said order. For these offenses you received a Letter of Reprimand from the Commander. (Attachment 1.9)

j. Delinquent Layaway Account (21 May 90): You were delinquent in paying on your home layaway plan. For this offense you were counseled by the Squadron Section Commander. (Attachment 1.10)

k. Disobey Lawful General Regulation (2 Oct 90 and 11 Oct 90): You failed to obey AFR 215-7 in that you consumed alcoholic beverages while under the age of 21 years. For these offenses you were punished under the provisions of Article 15 of the UCMJ. (Attachment 1.11)

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.

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], at 1030 on 3 Dec 90. You may consult civilian counsel at your own expense.


4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 3 Dec 90 unless you request and receive an extension for good cause shown. I will send them 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 Bldg 3925 at 0900 Hrs on 28 Nov 90 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use by requesting it from the First Sergeant.

8. Execute attached acknowledgment and return it to me immediately.



Commander

3 Atch

1. Supporting documents
 - 1.1 Traffic Ticket
 - 1.2 LOC
 - 1.3 Traffic Ticket
 - 1.4 Traffic Ticket
 - 1.5 Record of Counseling
 - 1.6 LOA
 - 1.7 Traffic Ticket
 - 1.8 Record of Counseling
 - 1.9 LOR
 - 1.10 AAFES Ltr
 - 1.11 Art 15
2. Documents containing derogatory Information
3. Airman's Receipt of Notification Letter