

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD									
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE		AFSN/SSAN		
					AMN				
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		A67.10		
					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		10 Dec 2004			CASE NUMBER		FD-2004-00343		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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: 12/10/2004				
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-2004-00343**

**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 does not contest her discharge. She wants an upgrade in order to use the GI Bill. The records indicated the applicant received an Article 15, a Vacation action under the UCMJ, three Letters of Reprimand, one Letter of Counseling, and two Memorandums for Record 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. The characterization of the discharge received by the applicant was found to be appropriate. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, she signed a statement (DD Form 2366) that she understood she must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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 AMN) (HGH A1C)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Charleston AFB, SC on 26 Sep 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Dec 72. Enlmt Age: 24 10/12. Disch Age: 28 9/12. Educ: HS DIPL. AFQT: N/A. A-63, E-39, G-53, M-26. PAFSC: 2R031 - Maintenance Data Systems Analysis Apprentice. DAS: 4 Oct 98.

b. Prior Sv: (1) AFRes 2 Oct 97 - 31 Mar 98 (6 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Apr 98 for 4 yrs. Svd: 3 Yrs 5 Mo 26 Das, all AMS.

b. Grade Status: Amn - 23 Feb 01 (Vacation of Article 15, 23 May 01)  
A1C - 1 Aug 99  
Amn - 1 Oct 98

c. Time Lost: None.

d. Art 15's: (1) 23 May 01, Vacation, Charleston AFB, SC - Article 86. You did, on or about 8 May 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. (No appeal) (No mitigation)

(2) 23 Feb 01, Charleston AFB, SC - Article 92. You did, on or about 7 Feb 01, violate a lawful general regulation, to wit: AFI 33-129, dated 1 Aug 99, by wrongfully processing and displaying obscene images on a United States computer. Suspended reduction to Airman. Fifteen days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 10 MAY 01 - Late for work.  
LOR, 20 APR 01 - Late returning from lunch.  
LOR, 31 JUL 00 - Failure to go.  
LOC, 14 APR 00 - Leaving duty section early without permission.  
MFR, UNDATED - Leaving duty section early without permission.  
MFR, UNDATED - Late for work.

f. CM: None.

g. Record of SV: 1 Apr 98 - 30 Oct 99 Charleston AFB 4 (Initial)  
1 Dec 99 - 30 Nov 00 Charleston AFB 2 (Annual)  
1 Dec 00 - 17 Aug 01 Charleston AFB 2 (Cmdr Dir)

h. Awards & Decs: AFTR, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (3) Yrs (11) Mos (25) Das  
TAMS: (3) Yrs (5) Mos (26) Das

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

Issue 1: I am a single parent. At the present time I would like to further my education. With doing that, that opens doors for better job opportunities. I have been a law abiding citizen. Since my discharge I have had some very trying circumstances come into my life. I have matured in many ways and take my day to day living very seriously. I ask that my discharge be upgraded so that I can better myself for the sake of my child. I contributed to the Montgomery GI Bill and would like to take advantage of it.

ATCH

1. Two Character References.

1OCT04/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 437TH AIRLIFT WING (AMC)

FD 2004-00343

5 Sep 01

MEMORANDUM FOR [REDACTED]

FROM: 437 LSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation for discharge 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. On or about 8 May 01, you failed to go to your prescribed place of duty—Bldg 59. For this conduct, you received a Vacation Action w/atchs, dated 27 Apr 01 (Atch 1a).

b. On 18 Apr 01, you failed to return to duty at your prescribed time after lunch. For this conduct, you received a Letter of Reprimand w/atch, dated 20 Apr 01 (Atch 1b).

c. On or about 7 Feb 01, you wrongfully processed and displayed obscene images on a United States computer. For this conduct, you received an Article 15 w/atchs, dated 23 Feb 01 (Atch 1c).

d. On 28 Jul 00, you failed to go to your prescribed place of duty. For this conduct, you received a Letter of Reprimand w/atchs, dated 31 Jul 00 (Atch 1d).

e. On 15 May 00, you failed your course exam for Career Development Course 2R051 for a second time. Your score of 60 was below the required course passing standard of 65. This failure is evidenced by the Report of Course Examination, dated 15 May 00 (Atch 1e).

f. During the week of 11 Apr 00, on 2 separate occasions, you left your duty section prior to the end of the duty day without informing your supervisors. For this conduct, you received a Letter of Counseling w/atch, dated 14 Apr 00 (Atch 1f).

g. On 24 Feb 00, you left your duty section prior to the end of the duty day without informing your supervisors. For this conduct, you received a verbal counseling. In addition, on 21 Mar 00, you failed to go to your prescribed place of duty at your prescribed time. For this conduct, you received a verbal counseling. These offenses are evidenced by a Memo for Record, undated (Atch 1g).

h. On 27 Jan 00, you failed your course exam for Career Development Course 2R051. Your score of 43 was below the required course passing standard of 65. This failure is evidenced by the Report of Course Examination, dated 27 Jan 00 (Atch 1e).

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.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment will be made for you to consult the Area Defense Counsel, Building 503, Room 119 upon issuance of this notification. 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 10 Sep01 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 separation briefing at Personnel Relocations, Building 503, Room 205 on at 0800 on 6 Sep01.

8. A medical examination has been scheduled for you. You are directed to report to the 437th Medical Group, Physical Exams at 0800 on 6 Sep01, for the examination.

9. Your Transition Assistance Briefing is scheduled at 1430 on 7 Sep01, in the Family Support Center, Building 255.

10. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974 as explained in AFI 36-3208. A copy of AFI 36-3208, Administrative Separation of Airmen is available for your use at the 437th Logistics Support Squadron Orderly Room.

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



Attachments:

1. Documents Supporting Basis for Discharge
  - a. Vacation Action w/atchs, dated 27 Apr 01
  - b. Letter of Reprimand w/atch, dated 20 Apr 01
  - c. Article 15 w/atchs, dated 23 Feb 01
  - d. Letter of Reprimand w/atchs, dated 31 Jul 00
  - e. Report of Course Examinations w/atchs
  - f. Letter of Counseling, dated 14 Apr 00
  - g. Memo for Record, undated
2. Other Derogatory Information
  - a. Military Star Contact ltr w/atch, dated 6 Jul 01
  - b. No Contact Order ltr, dated 1 May 00
3. Airman's Receipt of Notification Memorandum