

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; height: 15px; width: 100%;"></div>		GRADE AMN	AFSN/SSAN <div style="background-color: black; height: 15px; width: 100%;"></div>				
TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION					
YES	No	ADDRESS AND OR ORGANIZATION OF COUNSEL					
	X						
MEMBER SITTING		VOTE OF THE BOARD					
		HON	GEN	UOTHC	OTHER	DENY	
						X	
						X	
						X	
						X	
ISSUES A93.01 A94.05 A94.09		INDEX NUMBER A94.09			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 14 Apr 2005		CASE NUMBER FD-2004-00463					
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 and the right to submit an application to the AFBCMR. Names and votes will be made available to the applicant at the applicant's request.							
INDORSEMENT				DATE: 4/14/2005			
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-2004-00463
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB MD on 14 Apr 2005.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>ISSUE:</p> <p>Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, six Letters of Reprimand, three Letters of Counseling, and four Letters of Admonishment. 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.</p> <p>Issue 2. Applicant states that her discharge did not take into account the good things she did while in the service. The DRB took note of the applicant's duty performance as documented by her performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.</p> <p>Issue 3 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in her discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized her term of service.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

FD2004-00463A

[REDACTED]
[REDACTED] (Former AMN) (HGH A1C) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a Gen Dish fr Maxwell AFB, AL on 18 Jul 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 18 Jul 01.

b. The AFDRB reviewed case on 11 Sep 01 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 17 Jul 04. (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

Atch

1. Applicant's Issues.
2. Copy of Military Personnel Record.
3. Copy of OSI Investigation.

24JAN05/ia

12 NOV 2004

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FD2004-00463A

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 (X one)	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
	E-2/Amn				
2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		5. BOARD ACTION REQUESTED (X one)		
20000718	<input checked="" type="checkbox"/> HONORABLE		<input checked="" type="checkbox"/> CHANGE TO HONORABLE		
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS		CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS		
	UNDER OTHER THAN HONORABLE CONDITIONS		CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)		
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	BAD CONDUCT (Special court-martial only)		CHANGE NARRATIVE REASON FOR SEPARATION TO:		
DFAS-EU, Ramstein AB, Germany	UNCHARACTERIZED				
	OTHER (Explain)				

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

I am requesting a discharge based on unfair treatment and punishment in an incident prior to the one that caused my discharge. In August of 1999, after an investigation, I was given an Article 15 and reduction in rank as punishment to a crime I was not given the opportunity to defend myself in. In April of 1999, I used a forged quarters slip and received time off of work. In May of 1999,

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) 20010518 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.)

Copy of Military Personnel File
Copy of OSI Investigation

9. TYPE OF REVIEW REQUESTED (X one)

<input type="checkbox"/> 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.
<input checked="" type="checkbox"/> 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.
<input type="checkbox"/> 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 (If any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

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.

<input type="checkbox"/> SPOUSE	<input type="checkbox"/> WIDOW	<input type="checkbox"/> WIDOWER	<input type="checkbox"/> NEXT OF KIN	<input type="checkbox"/> LEGAL REPRESENTATIVE	<input type="checkbox"/> OTHER (Specify)
---------------------------------	--------------------------------	----------------------------------	--------------------------------------	---	--

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

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. (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.)

CASE NUMBER
(Do not write in this space.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

20040717

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PREVIOUS EDITIONS ARE OBSOLETE.

Page 1 of 4 Pages

14. CONTINUATION OF ITEM 6, ISSUES (If applicable)

it was discovered that the slip was forged and an investigation began. During the investigation, OSI (Office of Special Investigations) questioned a number of people, one being, the person that had stolen the doctor's stamp and given me the slip. This person chose to tell OSI that she had stolen the stamp on my behalf in order for me to get an abortion. If OSI had done a proper investigation, they would have found out that I was NEVER pregnant at that point in my life and that the stamp had been stolen months prior to the incident in which I used the quarters slip. I was never questioned by OSI and I only learned after the fact from copies of the statements given to OSI, what they had been told.

I do not blame anyone, other than myself, for the choices that I made. I do, however, feel that, had I been given the opportunity to defend myself, had I been questioned, at all, by OSI, my punishment would have been less severe. I also feel that had I received a less severe form of punishment, I would have chosen a better route afterwards, and had I not turned my actions around, if I got into trouble again, I do not believe my actions would have resulted in a discharge. I believe that had I continued the group therapy that I began prior to my discharge, I would have become a model airman again. Unfortunately, I will never be able to prove what the results would have been had I been able to defend myself initially, I can only tell you what I believe my actions would have been.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)**16. REMARKS (If applicable)****MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.****ARMY**

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (G-WPM)
2100 Second Street, S.W. Room 5500
Washington, DC 20593

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
[REDACTED]
(Former AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/07/18 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 77/09/22. Enlmt Age: 18 10/12. Disch Age: 22 9/12. Educ: HS DIPL. AFQT: N/A. A-71, E-62, G-70, M-50. PAFSC: 3A051 - Information Management Specialist. DAS: 97/09/12.

b. Prior Sv: (1) AFRes 96/07/29 - 97/01/14 (5 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 97/01/15 for 4 yrs. Extended 98/11/20 for 8 months. Svd: 3 Yrs 6 Mo 4 Das, all AMS.

b. Grade Status: AMN - 99/08/30 (Article 15, 99/08/30)
A1C - 98/05/15
AMN - 97/07/15

c. Time Lost: none.

d. Art 15's: (1) 99/08/30, Ramstein AB, Germany - Article 81. You did, on diverse occasions between o/a 1 May 99 and o/a 12 May 99, conspire with A1C ----- to commit an offense under the UCMJ, to wit: forgery, and in order to effect the object of the conspiracy the said A1C ----- agreed to steal a physician's stamp bearing Lt Col -----'s name, used to stamp on a DD Form 689, Individual Sick Slip, and forged Lt Col -----'s signature. Article 107. You did, o/a 12 May 99, with intent to deceive, make to MSgt -----, an official statement, to wit: that you arrived at the 86th Medical Group, Ramstein AB, Germany, before sick call hours and were seen by a male doctor, and that you had no idea why you received a quarters slip with a doctor's name on it who says he did not sign it, and was then known by you to be so false. Article 123. You did, o/a 6 May 99, with intent to defraud, utter a certain writing in the following words and figures, to wit: a DD Form 689, Individual Sick Slip with the stamp and signature of Major -----, a writing which would, if genuine, apparently operate to the legal harm of another. Reduction to the grade of Airman, forfeiture of \$100.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 25 JUN 98 - Failure to pay just debt.
LOR, 01 SEP 98 - Emailing a chain letter.
LOR, 13 OCT 99 - Failure to pay just debt.
LOR, 04 FEB 00 - Passing computer virus.
LOA, 03 APR 00 - Failure to go.
LOR, 07 JUN 00 - False application.
LOR, 19 JUN 00 - Dereliction of duty.
- f. CM: none.
- g. Record of SV: 97/01/15 - 98/09/14 Vogelweh 5 (Initial)
98/09/15 - 99/09/14 Vogelweh 2 (Annual)REF
99/09/15 - 00/05/01 Vogelweh 4 (Cmdr Dir)

(Discharged from Maxwell AFB)
- h. Awards & Decs: AFOLTR, AFTR.
- i. Stmt of Sv: TMS: (3) Yrs (11) Mos (20) Das
TAMS: (3) Yrs (6) Mos (4) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01/05/12.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Report of Investigation.
3. Personnel Folder.

01/07/18/ia



DEPARTMENT OF THE AIR FORCE
86TH AIRLIFT WING (USAF)

FD 2004-00463

22 JUN 2000

MEMORANDUM FOR AMN [REDACTED] DFAS-EU

FROM: DFAS-EU/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions discharge. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 17 Jun 98, at or near Ramstein Air Base, Germany, your club account balance of \$621.28 was forwarded to the Air Force because of your failure to pay your delinquent balance. For this action you received a Letter of Reprimand (LOR) dated 25 Jun 98 (atch 1a).

b. You did, on or about 31 Aug 98, at or near Ramstein Air Base, Germany forward a chain letter via email in violation of Article 92 of the Uniform Code of Military Justice (UCMJ) for failure to obey a lawful general regulation, to wit: AFI 33-119. For this action, you received an LOR dated 1 Sep 98 (Atch 1b).

c. You did, at or near Ramstein Air Base, Germany, on divers occasions, between on or about 1 May 99 and on or about 12 May 99, conspire with A1C [REDACTED] to commit an offense under the UCMJ, to wit: forgery. In order to effect the object of the conspiracy, the said A1C [REDACTED] agreed to steal a physician's stamp bearing Lt Col [REDACTED] name, used the stamp on a DD Form 689, Individual Sick Slip, and forged Lt Col [REDACTED] signature.

d. You did at or near Ramstein Air Base, Germany, on or about 12 May 99, with the intent to deceive, make to MSgt [REDACTED] an official statement, to wit: you arrived at the 86th Medical Group, Ramstein Air Base, Germany, before sick call hours and was seen by a male doctor, and that you had no idea why you received a quarters slip with a doctor's name on it who says he did not sign it.

e. You did, at or near Ramstein Air Base Germany, on or about 6 May 99, with intent to defraud, utter a certain writing in the following words and figures, to wit: DD Form 689, Individual Sick Slip, with the stamp and signature of Maj [REDACTED] a writing which would, it genuine, apparently operate to the legal harm of another.

For the actions in paragraph 2 c-e, you received nonjudicial punishment under Article 15, UCMJ on 30 Aug 99 (Atch 1c). Punishment imposed was reduction to the grade of airman, with a new date of rank of 30 Aug 99, forfeiture of \$100.00 pay per month for two months and a reprimand. This Article 15 was filed in a UIF on 7 Sep 99.

f. On or about 29 Sep 99, at or near Ramstein Air Base, Germany, your club account balance of \$436.56 was forwarded to the Air Force because of your failure to pay your delinquent balance. For this action, you received an LOR dated 13 Oct 99 (atch 1d).

g. You did, on or about 31 Dec 99, at or near Ramstein Air Base, Germany, pass on a computer virus through a personal email attachment in violation of Article 92 of the UCMJ (UCMJ) for failure to obey a lawful general regulation, to wit: AFI 33-119. For this action, you received an LOR dated 4 Feb 00, which was placed in your UIF on 3 Jun 00 (Atch 1e).

h. You did, on or about 3 Apr 00, at or near Ramstein Air Base, Germany, fail to show up for duty at the appointed time. For this action, you received a Letter of Admonishment (LOA) dated 3 Apr 00 (Atch 1f).

i. You did, on or about 19 May 00, knowingly submit an employment verification letter to the Omni Loan Company with the false name and signature of the first sergeant. For this action, you received an LOR dated 7 Jun 00, which was placed in your UIF on 9 Jun 00 (atch 1g).

j. You did, on or about 15 Jun 00, leave the building 2010 mailroom unsecured. The door and window were left open, the fan was turned on and the fax machines had no paper in them for overnight receipt of faxes. For this action, you received an LOR dated 19 June 00 (atch 1h).

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 jurisdiction, or a higher authority, will decide whether you will be discharged or retained in the USAF and if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the USAF, and any special pay, bonus, or education assistance funds you have received may be subject to recoupment.

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 with Capt [REDACTED] Area Defense Counsel, Building 2111, DSN [REDACTED] on 26 Jun 00 at 1030. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me by 27 June 00 at 0900 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 submit statements in your 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 in uniform with your medical records and an escort to the Ramstein Air Base Clinic, Physical Exams, Building 2182

on **23 Jun 00 at 0700 hrs** for the evaluation. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.

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 or via the internet.

 Capt, USAF
Commander

Attachments:

1. Supporting Documents:

- a. LOR w/atch, 25 Jun 98
- b. LOR, 1 Sep 98
- c. AF Form 3070, Record of Nonjudicial Punishment Proceedings, 30 Aug 99, w/ UIF Action
- d. LOR, 13 Oct 99
- e. LOR, 4 Feb 00 w/UIF Action dated 9 Jun 00
- f. LOA, 3 Apr 00
- g. LOR, 7 Jun w/atch and UIF Action
- h. LOR 16 Jun 00

2. Other Documents:

- a. LOC, 11 Mar 98
- b. LOC, 24 Apr 98
- c. Delinquent Air Force Club Card Account, 18 Jun 98
- d. LOA, undated
- e. Speeding Ticket, 20 Mar 99
- f. LOA, undated
- g. Denial of Air Force Good Conduct Medal
- h. Delinquent Air Force Club Card Account, 21 Sep 99 w/atch

3. Airman's Receipt of Notification Memorandum