

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>			GRADE AB		AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>			
TYPE GEN	X	PERSONAL APPEARANCE			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
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			
HEARING DATE 29 Mar 2005		CASE NUMBER FD-2004-00468		TAPE RECORDING OF PERSONAL APPEARANCE				

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 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.

SIGNATURE OF RECORDER THOMAS E. HAMMEN, COL, USAF		SIGNATURE OF BOARD PRESIDENT VENETIA E. BROWN, COL, USAF	
INDORSEMENT		DATE: 3/29/2005	
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-2004-00468
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and change the reenlistment code.</p> <p>The applicant appeared before the Discharge Review Board (DRB) on 29 March 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, change of reason and authority for discharge, and change of reenlistment code are 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: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 and three Letters of Reprimand for various acts of misconduct to include failure to go; writing a bad check; driving without a valid driver's license; dereliction of duty; and misuse of a government computer. 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>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

[REDACTED]
(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr F.E. Warren AFB, WY on 23 Feb 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 31 Jan 77. Enlmt Age: 17 3/12. Disch Age: 19 0/12. Educ: HS DIPL. AFQT: N/A. A-68, E-40, G-41, M-34. PAFSC: 3P031 - Security Police Apprentice. DAS: 24 Feb 95.

b. Prior Sv: (1) AFRes 23 May 94 - 12 Oct 94 (4 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Oct 94 for 4 yrs. Svd: 1 Yrs 4 Mo 11 Das, all AMS.

b. Grade Status: AB - 26 Jan 96 (Article 15, 26 Jan 96)
Amn - 13 Apr 95

c. Time Lost: None.

d. Art 15's: (1) 26 Jan 96, F.E. Warren AFB, WY - Article 86. You did, on or about 8 Jan 96, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You did, on or about 1 Nov 95, make and utter to [REDACTED], a certain check, in words and figures as follows, to wit: Check Number 179, in the amount of \$50.00, dated 1 Nov 95, in payment of a debt, and did thereafter dishonorably fail to maintain sufficient funds in the Warren Federal Credit Union for payment of such check in full upon its presentment for payment. Article 134. You did, between on or about 1 Sep 95 to on or about 15 Sep 95, fail to obey a lawful general regulation, to wit: AFR 125-14, Motor Vehicle Traffic Supervision, Chapter 2-1, Paragraph 3b, by wrongfully driving without a valid drivers license. Reduction to AB. Forfeiture of \$100.00 pay per month for 2 months, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 08 JUN 95 - Failure to go.
LOR, 26 MAY 95 - Dereliction of duty.
LOR, 18 MAY 95 - Misuse of government computer and disobeying orders from commissioned and

noncommissioned officers.

f. CM: None.

g. Record of SV: None.

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

i. Stmt of Sv: TMS: (1) Yrs (9) Mos (1) Das
TAMS: (1) Yrs (4) Mos (11) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 13 Nov 04.

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

Issue 1: I was young and never far from home. I was also endering (sic) sexual harrasment that wasn't being delt with by my supervisor. They were supposed to cross-train me and never did. I was working in the dorm where I resided. I was also pregnet (sic) and dealing with problems as far as that was concerned.

I wanted to retrain and finish my term until I found out that my separation code and reentry codes were negative.

ATCH

1. DD Form 214.

27JAN05/ia



DEPARTMENT OF THE AIR FORCE
90TH MISSILE WING (AFSPACECOM)

FD 2004-80468

MEMORANDUM FOR [REDACTED]

10:5 FEB 1996

FROM: 319 MS/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 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. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 8 Jan 96, you failed to go at the time prescribed to your appointed place of duty. You received Article 15 punishment on 26 Jan 96.

b. On or about 1 Nov 95, you wrote a check to another military member and failed to maintain sufficient funds in your bank account. You received Article 15 punishment on 26 Jan 96.

c. Between on or about 1 Sep 95 to on or about 15 Sep 95, you failed to obey a lawful general regulation by driving without a drivers license. You received Article 15 punishment on 26 Jan 96.

d. On or about 30 May 95, you failed to go at the time prescribed to your appointed place of duty. You were placed on a control roster on 14 June 95 and you received a Letter of Reprimand (LOR) on 8 Jun 95.

e. On or about 24 May 95, you were tasked to clean a Government vehicle. For the purpose of avoiding this duty you feigned chest pains on two occasions. On each occasion you were taken for a medical assessment and returned back to duty with no restrictions. An Unfavorable Information File (UIF) was established on 2 Jun 95 and you received a LOR on 26 May 95.

f. Between on or about 16 May 95 to on or about 18 May 95, you disobeyed orders given to you by a commissioned officer and by two noncommissioned officers, to refrain from using government computers for other than official business. You received a Letter of Reprimand (LOR) on 18 May 95.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special courts-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.
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 [REDACTED] of the Area Defense Counsel's Office, Bldg 292, ext 3248, on 06 FEB 1996 at 0800. You may consult civilian counsel at your own expense.
5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me within three workdays after receipt of the notification memorandum, that date being 08 FEB 1996, unless you request and receive an extension for good cause shown. I will send any statements you submit to the separation authority for his consideration.
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. 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 your squadron orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
Commander, 319 MS

Attachments:

1. AF Form 3070 w/Atch, dtd 26 Jan 96
2. AF Form 1058 w/Atch LOR, dtd 8 Jun 95
3. AF Form 1058 w/Atch LOR, dtd 26 May 95 & Rebuttal dtd 1 Jun 95
4. LOR, dtd 18 May 95