

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD									
(INITIAL)				GRADE		AFSN/SSAN			
TYPE GEN		X		PERSONAL APPEARANCE			RECORD REVIEW		
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		A67.50		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		CASE NUMBER							
05 Apr 2005		FD-2004-00470							
Case heard at Andrews AFB, Maryland.									
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.									
TO:					FROM:				
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742					SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 3E WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00470**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, MD on 5 April, 2005.

There were no witnesses or additional exhibits submitted at the hearing. The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge and change of the reason and authority for discharge are denied.

**ISSUE:** Applicant contends discharge was inequitable because the underlying disciplinary actions and the discharge were too harsh and her military service, on balance, was honorable. The applicant also cited her desire to receive G.I. Bill educational benefits. The records indicated the applicant received a Letter of Reprimand and two nonjudicial punishment actions under Article 15, UCMJ. The Board concluded the disciplinary actions for her misconduct were not harsh and her misconduct appropriately characterized her term of service.

**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)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr MacDill AFB, FL on 24 Feb 03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Sep 81. Enlmt Age: 17 7/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-45, E-46, G-33, M-14. PAFSC: 3C151 - Radio Communication Systems Journeyman. DAS: 2 Jan 03.

b. Prior Sv: (1) AFRes 24 Apr 99 - 1 Feb 00 (9 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Feb 00 for 4 yrs. Svd: 3 Yrs 0 Mo 23 Das, all AMS.

b. Grade Status: Amn - 28 Jan 03 (Article 15, 28 Jan 03)  
A1C - 02 Jun 01  
Amn - 02 Aug 00

c. Time Lost: None.

d. Art 15's: (1) 28 Jan 03, MacDill AFB, FL - Article 111. You, did, at or near Petuxent River Naval Station, Maryland, on or between 21 Dec 02 and 23 Dec 02, at gate 1, phsically control a vehicle, to wit: a passenger car, while drunk. Article 134. You, were, at or near, Petuxent River Navel Station, Maryland, on or between 21 Dec 02 and 23 Dec 02, disorderly, which conduct was of a nature to bring discredit upon the airmed forces. Reduction to Airman, forfeiture of \$200.00 pay per month for 2 months. Reprimand. (No appeal) (No mitigation)

(2) 15 Apr 02, Osan AB, Korea - Article 91. You, on or about 23 Mar 02, were disrespectful in language towards [REDACTED] a noncommissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of her office, by not responding to any questions you were asked and by then saying to her, "You don't know what happened, so why are you asking me any questions," or words to that effect. Article 95. You, did, on or about 23 Mar 02, resist being apprehended by becoming combative towards SrA [REDACTED] a person authorized to apprehend you. Article 134. You, did, on or about 23 Mar 02,

wrongfully communicate a threat to [REDACTED]  
 a threat, to wit: "Wait until tomorrow when I see you.  
 Watch I'll get you. I know your name," or words to that  
 effect. Suspended reduction to Airman. Forfeiture of  
 \$300.00 pay per month for two months (in excess of  
 \$300.00 suspended). Forty five days restriction, 30  
 days extra, duty and a reprimand. (No appeal) (No  
 mitigation)

e. Additional: LOR, 13 MAR 02 - Directed profanity and derogatory comments  
 toward an airman that was higher in rank.

f. CM: None.

g. Record of SV: 02 Feb 00 - 02 Oct 01 Pope AFB 3 (Initial)  
 03 Oct 01 - 15 Apr 02 Osan AB 3 (Cmdr Dir)  
 16 Apr 02 - 03 Nov 02 Osan AB 4 (CRO)

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

i. Stmt of Sv: TMS: (3) Yrs (10) Mos (1) Das  
 TAMS: (3) Yrs (0) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 17 Nov 04  
 (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

#### ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Three Character References.
4. Military Discharge Upgrade Questionnaire.
5. Two Enlisted Performance Report.
6. Certificate of Appreciation.
7. Three Training Certificates.
8. Two Certificates of Appreciation.
9. Letter of Appreciation.
10. Certificate of Recognition.
11. College Transcript.
12. Certificate of Achievement.
13. News Item.

28JAN05/ia

I am writing in regards for consideration of upgrading my general discharge to an honorable. Since being discharged from active duty, I have made a commitment to learn from my mistakes. I admit to bad judgment and bad choices. I entered the as a 17 year old high school graduate. This was my first exposure as an adult on my own. I handled my freedom in an irresponsible manner at times, and that led to my discharge. However, all of my time in the military was not spent in a destructive manner. I received numerous awards and certificates. I was an active volunteer and played for the base team in Osan, Korea. I also received an LOA from the base commander. I was a few credits shy of receiving my CCAF and enrolled in the University of Maryland where I just completed my psychology course.

Although I was discharged I continued to move in a positive direction. I have kept myself employed and out of any trouble. I have not let my past failures become an excuse or a measure of what I can be.

I would appreciate any consideration towards an upgrade to an honorable discharge. Thank you for your time.



DEPARTMENT OF THE AIR FORCE  
6TH AIR MOBILITY WING (AMC)  
MACDILL AIR FORCE BASE, FLORIDA

FD 2004-00 470

MEMORANDUM FOR AIRMAN [REDACTED]

11 FEB 03

FROM: 6 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct Consisting of Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as an under honorable conditions (general).

2. My reasons for this action are as follows:

a. Between 21 Dec 02 and 23 Dec 02, you physically controlled a vehicle, to wit: a passenger car, while drunk. Additionally, you were at or near Patuxent River Naval Air Station, Maryland, on or between 21 Dec 02 and 23 Dec 02, disorderly, which conduct was of a nature to bring discredit upon the armed forces. These incidents resulted in Nonjudicial Punishment under Article 15, UCMJ, dated 28 Jan 03 (Tab B).

b. On 23 Mar 02, you were disrespectful in language towards a Noncommissioned Officer and on that same occasion you resisted apprehension by becoming combative towards another airman who was authorized to apprehend you. Also, you wrongfully communicated a threat toward another airman higher in rank than you. This incident resulted in Nonjudicial Punishment under Article 15, UCMJ, dated 15 Apr 02 (Tab C).

c. On 13 Mar 02, you responded to a note from a Senior Airman in a totally unprofessional manner. Your written response directed profanity and derogatory comments towards an airman that was higher rank than you. This incident resulted in a Letter of Reprimand, dated 13 Mar 02. This incident also resulted in an AF Form 1058 an Unfavorable Information File Action, a control roster entry dated 18 Mar 02 (Tab D & E).

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 (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, and any special pay, bonus, or education assistance funds may be subject to recoupment.

FD 2004-00470

4. You have the right to consult counsel. Military counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] 11 Feb 03 at 1530 hrs. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 14 Feb 03 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 on your own 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 to the 6th Medical Group Hospital - Family Practice, at 1020 hours on 19 Feb 03 for the examination with [REDACTED]. You must report to the Family Practice Clinic 30 minutes prior to pick up your DD Form 2697.
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.
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]  
[REDACTED] Col, USAF  
Commander, 6th Operation Support Squadron

Attachments:

- a. Respondent's Acknowledgment
- b. Record of Nonjudicial Punishment Proceedings, dated 28 Jan 03
- c. Record of Nonjudicial Punishment Proceedings, dated 15 Apr 02
- d. Letter of Reprimand, dated 13 Mar 02
- e. Unfavorable Information Action, AF Form 1058 Control Roster, dated 18 Mar 02