

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; height: 1em; width: 100%;"></div>	GRADE A1C	AFSN/SSAN <div style="background-color: black; height: 1em; width: 100%;"></div>
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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	A94.06	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	02 Jun 2005	CASE NUMBER	FD-2004-00471	
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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, the right to a personal appearance with/without counsel, 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: 6/2/2005
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, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00471**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, 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:** The Board grants partial relief. The discharge is upgraded to Honorable. The reason and authority for the discharge and the reenlistment code will not change.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's discharge inequitable.

**ISSUE:** Applicant contends discharge was inequitable because she had mental and medical issues that were not taken into account at the time of her discharge. The records indicated the applicant received an Article 15 for failure to go, a Vacation action under the UCMJ for stealing a pack of cigarettes from the AAFES, one Letter of Reprimand and five Letters of Counseling for various misconduct, three of which were being late for duty. While the Board does not condone the member's theft of cigarettes, a more serious offense, the Board noted sufficient evidence that raised a possible mitigating relationship between the applicant's four instances of arriving late for duty, to include her failure to go at the prescribed time to her place of duty, and resulting in non-judicial punishment. The record clearly shows documented medical issues which may have had an impact in her actions. When considering the totality of the member's military service, to include her three years of enlistment during which she demonstrated solid duty performance and an absence of misconduct, the Board concluded offering relief in favor of the applicant is appropriate in this case.

**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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge under the provisions of Title 10, USC 1553.

Attachment:  
Examiner's Brief

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

[REDACTED]  
[REDACTED]  
(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Seymour Johnson, NC on 7 Feb 03 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: 29 Jan 74. Enlmt Age: 25 4/12. Disch Age: 29 0/12 . Educ: HS DIPL. AFQT: N/A. A-83, E-59, G-44, M-45. PAFSC: 1C44C - Jet Engine Propulsion. DAS: 14 Nov 99.

b. Prior Sv: (1) AFRes 29 Jan 99 - 25 May 99 (3 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 May 99 for 6 yrs. Svd: 3 Yrs 8 Mo 13 Das, all AMS.

b. Grade Status: A1C - 15 Jan 03 (Vacation of Article 15, 15 Jan 03)  
SrA - 9 Nov 01  
A1C - 9 Jul 99

c. Time Lost: None.

d. Art 15's: (1) 15 Jan 03, Vacation, Seymour Johnson AFB, NC - Article 121. You, did, on or about 31 Dec 02, steal a pack of cigarettes of a value of \$2.90, the property of Army and Air Force Exchange Service. Reduction to A1C. (No appeal) (No mitigation)

(2) 18 Dec 02, Seymour Johnson AFB, NC - Article 86. You did, on or about 19 Nov 02, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to A1C. Forfeiture of \$150.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 04 JUN 02 - Late for duty.  
LOC, 28 MAY 02 - Late for duty.  
LOC, 02 MAR 02 - Dereliction of duty.  
LOC, 08 JAN 02 - Noncompliance to Dress & Appearance standards.  
LOC, 07 JAN 02 - Late for duty.  
LOC, 04 JAN 02 - Misplaced line badge.

f. CM: None.

g. Record of SV: 26 May 99 - 15 Jan 01 Seymour Johnson AFB 4 (HAF Dir)  
16 Jan 01 - 15 Jan 02 Seymour Johnson AFB 4 (Annual)

h. Awards & Decs: AFTR, NDSM, AFOUA W/1 DEV.

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (10) Das  
TAMS: (3) Yrs (8) Mos (13) Das

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

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

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Medical Documents.
3. Personal Statement.
4. Letter of Reprimand, 4 Jun 02.
5. Response to Proposed Article 15 Action.

3FEB05/ia



DEPARTMENT OF THE AIR FORCE  
4TH FIGHTER WING (ACC)  
SEYMOUR JOHNSON AIR FORCE BASE NC

FD 2004-80471

JAN 27 2003

MEMORANDUM FOR [REDACTED]

FROM: 4 CMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force due to misconduct, specifically minor disciplinary infractions. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. According to Table 1.3 of AFI 36-3208, your discharge can be characterized as honorable, general, or under other than honorable conditions. I am recommending your discharge be characterized as general.

2. My reasons for this action are:

a. On 3 January 2002, you left your flightline badge in the Support Section. For this misconduct, you received a Record of Individual Counseling. This is documented by an AF Form 174, dated 4 January 2002 (Tab 1a).

b. On 7 January 2002, you reported 40 minutes late for duty. For this misconduct, you received a Record of Individual Counseling. This is documented by an AF Form 174, dated 7 January 2002 (Tab 1b).

c. On 8 January 2002, you failed to comply with Air Force Standards of Dress and Appearance by leaving a vehicle and walking into your duty section without wearing your battle dress uniform shirt. For this misconduct, you received a Record of Individual Counseling. This is documented by an AF Form 174, dated 8 January 2002 (Tab 1c).

d. On 27 February 2002, you failed to conduct an ELP check on the shop's technical orders which resulted in an inspection failure by Quality Assurance. For this misconduct, you received a Record of Individual Counseling. This is documented by an AF Form 174, dated 2 March 2002 (Tab 1d).

e. On 28 May 2002, you reported 24 minutes late for duty. For this misconduct, you received a Record of Individual Counseling. This is documented by an AF Form 174, dated 28 May 2002 (Tab 1e).

f. On 4 June 2002, you received a Letter of Reprimand for continuously reporting late for duty. This is documented by a Letter of Reprimand, dated 4 June 2002 (Tab 1f).

g. On 19 November 2002, you failed to go at the time prescribed to your appointed place of duty. For this misconduct, you received an Article 15 for which the punishment that called for the reduction to E-3 was suspended. This is documented by an AF Form 3070, dated 9 December 2002 (Tab 1g).

h. On 31 December 2002, you stole a pack of cigarettes from the Army and Air Force Exchange Service. For this misconduct, the previously suspended punishment which called for reduction to the grade of E-3 was vacated. This is documented by an AF Form 366, dated 9 January 2003 (Tab 1h).

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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 (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. I have made an appointment for you to consult [REDACTED] Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on 27 Jan 03 (date) at 0900 (time). 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 0800 hrs 30 Jan 03 (allow three duty days) 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 mandatory medical examination at the 4th Medical Group, Seymour Johnson AFB Family Practice (Gold Panel) at 1300 hours on 27 January 2003 with Capt Crider. You must report 15 minutes prior to your scheduled appointment time.

8. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 3 Feb 2003 at 1300 hours. You must report to building 3602 for your TAPs counseling.

9. 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 at the unit orderly room or the Area Defense Counsel office.

10. Execute the attached acknowledgement and return it to me immediately.

[REDACTED]  
Commander, 4 CMS

Attachments:

Supporting Documentation:

- a. AF Form 174, dated 4 January 2002
- b. AF Form 174, dated 7 January 2002
- c. AF Form 174, dated 8 January 2002
- d. AF Form 174, dated 2 March 2002
- e. AF Form 174, dated 28 May 2002
- f. Letter of Reprimand, dated 4 June 2002
- g. AF Form 3070, dated 9 December 2002
- h. AF Form 366, dated 9 January 2003