

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00493

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: The Board grants the requested relief.

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

ISSUE: Applicant contends discharge was improper because it was too harsh. The records indicated the applicant received an Article 15, three Letters of Reprimand, and one Letter of Counseling for failure to go. The DRB opined that because the record clearly shows documented sleep problems, they gave her the benefit of the doubt as to those problems being the reasons she was late for duty. The Board also directs that her reason for discharge be changed to Secretarial Authority.

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. However, the Board believes the applicant was not provided full administrative due process and should have been sent for a sleep study.

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 and the reason for the discharge is more accurately described as Secretarial Authority 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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Davis-Monthan AFB, AZ on 1 Jul 99 UP AFI 36-3208, para 5.49 (Pattern of Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Feb 77. Enlmt Age: 18 4/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-80, E-51, G-46, M-57. PAFSC: 4A031 - Health Services Management Apprentice. DAS: 6 May 96.

b. Prior Sv: (1) AFRes 6 Jul 95 - 2 Jan 96 (5 months 27 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Jan 96 for 4 yrs Svd: 3 Yrs 5 Mo 29 Das, all AMS.

b. Grade Status: A1C - 3 May 97
Amn - 3 Jul 96

c. Time Lost: None.

d. Art 15's: (1) 8 Feb 99, Davis-Month AFB, AZ - Article 86. You did on or about 22 Jan 99, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Amn. Reprimand. (Appeal/Withdrawn) (No mitigation)

e. Additional: LOR - 09 Jun 99 - Failure to return to duty after doctor's appointment, and lying.
LOC - 17 Aug 98 - Missed Appointment and failure to go.
LOR - 19 Jun 98 - Thirty minutes late for duty
LOR - 28 Jan 98 - Failure to go and failure to obey lawful order.

f. CM: None.

g. Record of SV: 03 Jan 96 - 29 Sep 97 Davis-Monthan AFB 4 (Initial)
30 Sep 97 - 29 Sep 98 Davis-Monthan AFB 3 (Annual)
30 Sep 98 - 26 Apr 99 Davis-Monthan AFB 2 (HAF Dir) REF

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (11) Mos (26) Das
TAMS: (3) Yrs (05) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Dec 04.
(Change Discharge to Honorable)

Issue 1: ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Discharge Order.

10FEB05/day

To Whom It May Concern:

I am writing to you in a plea to change my discharge from General, Under Honorable Conditions, to Honorable. I have started this letter many times and was always unsure what to say. It has been almost 5 years since I have left Active Duty. In that time I have had ample opportunities to look back and reflect on my life in the Air Force, where I excelled and where I failed.

While I was stationed at Davis-Monthan Air Force Base, I was transferred from the Outpatient Records department to the Information Systems department. When I first started I barely knew how to use a computer, which has grown to being a lead on a help desk for a worldwide company.

Almost immediately upon arriving in the Information Systems department I had conflicts with my supervisor. There were multiple occasions when I was reprimanded for things, which I did not see as wrongdoing. For example, I decided to take classes at the local community college, my supervisor was on vacation and registration was that week. I spoke with my Captain; he approved my taking the class and allowed me to leave work 15 minutes early, one day a week. This would allow me the time to drive to campus in rush hour. Upon returning from vacation, my supervisor confronted me and accused me of going behind his back, that I was not allowed to leave early and that if I took the route he provided, I would not be late to my class. Subsequently I ended up dropping the class because I was not allowed by my supervisor to continue to leave early. I felt defeated and did not want to make more waves.

Another instance is when I requested a day of leave. I was still working my second job and needed to take my car in for maintenance. When my supervisor questioned me why I needed to have a day off from work, I explained the reason to him. He responded by telling me that is what weekends are for and my leave was not approved. I was working with 2 other male airmen at that time. That same day my co-worker requested off to leave early for a weekend camping trip and he was granted the vacation time.

Also, there was another time I was threatened to be written up for AWOL. The team had a meeting across base and we had taken separate cars. After the meeting I stopped on base for gasoline. When I returned back to the office my supervisor informed me that I was absent with out leave because it only takes 5 minutes to return to the office, yet it had taken me 10. I do not deny that there are several instances when I made bad choices that did lead to disciplinary action. But as I spent more time in my supervisors command my behavior began to change for the worse. I was unable to fall asleep at night with anxiety of having to go to work the next day. This often resulted in my being up until 4am and over sleeping for work, which in turn would cause more disciplinary action.

My commander was aware of the problems I was having and would not consent to moving me from the department. I did speak to someone at Mental Health that subsequently involved Social Actions. I was then immediately removed from the department once Social Actions became involved.

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For the last 3 years I have been employed at [REDACTED] working as a Help Desk technician. Today I am using skills that I acquired while in the military. Not only skills that relate directly to my job, but life skills such as, respect for others, honesty and timeliness. I am very happy with my current career and would like to obtain more schooling to continue to grow. I have chosen a college I would like to attend, but will need the benefits from the money I invested into the G.I. Bill in order to pay my tuition.

I greatly appreciate your consideration in this matter and look forward to your response.

Sincerely,

[REDACTED]



DEPARTMENT OF THE AIR FORCE
355TH MEDICAL SUPPORT SQUADRON (ACC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

FD 2004-00493

17 Jun 99 ^{EP}

MEMORANDUM FOR AIC [REDACTED]

FROM: CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 7 Jun 99, you did not return to your place of duty. You also misled a noncommissioned officer into believing you were put on quarters. As a result, you received a Letter of Reprimand (LOR) (Tab A).

b. On or about 22 Jan 99, you failed to go to at the time prescribed to your appointed place of duty. As a result, you received an Article 15 and an entry was made in your existing Unfavorable Information File (UIF) (Tab B).

c. On or about 12 Aug 98, you failed to go at the time prescribed to your appointed place of duty. On or about 29 Jul 98, you missed an appointment. As a result, you received a Record of Individual Counseling (Tab C).

d. On or about 17 Jun 98, you failed to go to your appointed place of duty at the time prescribed. As a result, you received an LOR and an UIF was established (Tab D).

e. On or about 26 Jan 98, you failed to go at the time prescribed to your appointed place of duty. As a result, you received an LOR (Tab E).

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 and will probably be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subject to recoupment.

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4. You have the right to consult counsel. Military legal counsel, [REDACTED] has been obtained to assist you. An appointment has been scheduled for you to consult him on 17 JUN 99 at 0845 hours. In addition to military counsel, you have the right to employ 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 22 JUN 99 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 medical examination. You must report to the Physical Exams Office of the Aeromedical Facility, Bldg 412, Rm 3 at 0700 on 23 JUN 99 for the examination.
8. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations element, Bldg. 3200, Rm. 14 at 0900 on 17 JUN 99 for the briefing. If you have questions, please call them at 228-5386.
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 Area Defense Counsel's office, bldg 3510.
10. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
Commander

Attachments:

1. Supporting Documents
 - a. LOR, dated 9 Jun 99 (2 pages)
 - b. Article 15, dated 16 Feb 99 (3 pages)
 - c. RIC, dated 19 Aug 98 (2 pages)
 - d. LOR, dated 19 Jun 98 (2 pages); AF Form 1058 (2 pages)
 - e. LOR, dated 28 Jan 98 (2 pages)
2. Airman's Receipt of Notification Memorandum