

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

INITIAL)

<b>TYPE GEN</b>		<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	<b>X</b>	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b>	A93.09	<b>INDEX NUMBER</b>	A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
				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

<b>HEARING DATE</b>	28 Apr 2005	<b>CASE NUMBER</b>	FD-2004-00508	
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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.

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<b>INDORSEMENT</b>		<b>DATE:</b> 4/28/2005
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b>	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-2004-00508**

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

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:** Upgrade of discharge and change of reason and authority for discharge is denied.

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.

**ISSUE:** Applicant does not contest her discharge. She states that her tour in the Air Force was not what she expected after she reached her first duty station and she had minor problems during her time in service. The records indicated the applicant received an Article 15 for leaving her appointed place of duty and for having alcohol in her dormitory room. In addition, she received three Letters of Reprimand and one Letter of Counseling for various acts of misconduct to include leaving for lunch early, dereliction of duty and failure to go. 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.

**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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Grand Forks AFB, ND on 22 Jun 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 9 Jun 81. Enlmt Age: 20 3/12. Disch Age: 23 0/12. Educ: HS DIPL. AFQT: N/A. A-59, E-50, G-41, M-30. PAFSC: 3E031 - Electrical Systems Apprentice. DAS: 6 Jan 03.

b. Prior Sv: (1) AFRes 9 Sep 01 - 22 Apr 02 (7 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Apr 02 for 4 yrs. Svd: 2 Yrs 2 Mo 0 Das, all AMS.

b. Grade Status: AB - 10 Mar 04 (Article 15, 10 Mar 04)  
A1C - 23 Aug 03  
Amn - 23 Oct 02

c. Time Lost: None.

d. Art 15's: (1) 10 Mar 04, Grand Forks AFB, ND - Article 86. You, did, on or about 5 Feb 04, without authority, go from your appointed place of duty, to wit: leaving the gym before the official time to be released and then reporting for normal duty late. Article 92. You, who knew of your duties, on or about 13 Feb 04, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcohol in your dormitory, as it was your duty to do. Reduction to AB, 45 days restriction, 30 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 06 MAY 04 - Failure to go.  
LOR, 12 APR 04 - Dereliction of duty.  
LOR, 05 MAR 04 - Dereliction of duty.  
LOC, 19 AUG 03 - Leaving for Lunch early.

f. CM: None.

g. Record of SV: 23 Apr 02 - 22 Dec 03 Grand Forks AFB 4 (Initial)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (14) Das  
TAMS: (2) Yrs (2) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 Jan 05.  
(Change Discharge to Honorable, and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Response to Letter of Reprimand, 13 Apr 04.
3. Three Letters of Support.
4. Four Letters of Appreciation.
5. Three Certificates of Appreciation.
6. Three Letters of Appreciation.
7. Two Certificates of Appreciation.
8. Certificate of Promotion.
9. Three Character References.

9MAR05/ia

To: BOARD FOR CORRECTION OF AIR FORCE RECORDS

CC:

From: [REDACTED]

Date: 01/14/05

Re: REQUEST FOR DISCHARGE UPGRADE TO HONORABLE

1. I am requesting that my discharge be upgraded from General under Honorable Conditions to Honorable. I joined the US Air Force to carry out the mission of serving in the war overseas and to receive the Montgomery GI Bill for educational benefits. My tour in the US Air Force was not what I expected after I reached my first duty station and I had minor problems during that time in service. My future, education, life, which is a Major deal is now being affected by the minor disciplinary infractions that I received while stationed at Grand Forks AFB. The shaping of my future lies solely in the characterization of my discharge. I ask that the person or people that review this issue please give thoughtful attention to my giving back to the Air Force for granting me the opportunity to serve my country. Please consider my determined effort in trying to make the Air Force life better for others and myself as well as mistakes that I made. Below I've listed the offenses that I know of charged against me as they were written in my file, also listed as defenses are the reasons I was treated unfairly:

a. Charge: On Jul 30, 2003 without authority, you started to leave early from your duty station until a NCO from your section spoke to you prompting you not to leave. For that act of misconduct, you received an LOC.

Defense: It was 15 minutes until it was time to go home, I spoke aloud to myself that I was ready to go home while outside walking to my car to get something out of it. On my way back into my shop a Tsgt from my shop walked alongside me advising me that it was nowhere near time to go yet. That told me that he heard what I said to myself, and without any other facts other than what he heard me say decided to instruct me not to leave. I was on my way back into the shop when he spoke to me which meant I had no intentions of leaving. If I intended to leave in the unprofessional manner that the Tsgt claimed I was trying to leave in, there was nothing stopping me, so if I really intended to leave I could have. The next day my supervisor issued me an LOC stating the above statement.

b. Charge: Feb 5, 2004 without authority, go from your appointed place of duty, to wit: leaving the gym before the official time to be released and then reporting from normal duty late. Also on or about 13 Feb 2004, you were derelict in the performance of your duties in that you willfully failed to refrain from possessing alcohol in your dormitory. For these acts of misconduct, you received a Record of Non judicial punishment (Article 15), dated 10 Mar 2004.

Defense: The incident at the gym involved the same Tsgt who told my supervisor I was, "trying" to leave work early and a Sra who he was good friends with. In this incident our release time from working out was 7:45am and the time to be in our prospective shops was

January 14, 2005

8:25am for mine and most other CE (civil engineering) shops, 9:00am and 9:15am for other CE shops. As I left my workout station the clock in front of me said 7:40am it was snowing outside so most people in CE were leaving so traffic wouldn't be too much to bear. As I was walking to the exit the Tsgt and Sra were standing in the lobby and the Sra asked me if I was leaving, I said, "Yes," and when I heard no response from him, I proceeded to leave. It was one of my first snowfalls with a car and I wasn't prepared for the snowy weather of Grand Forks AFB, ND. In the dorms you have to share showers with a suite mate, so if they beat you to the shower that takes time from your work preparation time, my suite mate still beat me to the shower that day. I arrived two minutes late to the shop and instead of any type of concern due to snow as soon as I walked through the door the Tsgt said loudly "you leave gym early and you come to work late." Although the Tsgt was shouting I still did my best to respect his authority and put pride to the side. When he kept yelling after I was already in the shop, I lost a little of my bearing and responded to him in the manner that he spoke to me. I told him that I wasn't late and that I got there as quickly as possible even with my circumstances. He ordered me to go into the office, inspected my uniform while still yelling at the top of his lungs in the office about the situation, then dismissed me. I left and immediately enrolled in anger management that day to better handle workplace situations like that. Up until that day I thought I had anger in the workplace figured out but I found in my classes that there were much better ways to handle situations such as the one I was involved.

The alcohol found in my dorm room during a Wing inspection, I took full responsibility for. I take responsibility because I signed the paper saying I would no longer have alcoholic beverages in my dorm room. After the policy had become official and during the Wing inspection they found a bottle of alcohol with about 3/4 of alcohol still in bottle hidden in a Tupperware bowl in the closet of my dorm room. There were other empty alcoholic beverage bottles that were confiscated during the Wing inspection that were on top of my display case and had been there during numerous inspections by my squadron superiors, yet nothing was done or said. Our squadron even had what they called a 100% inspection about two or three months before the Wing inspect. The 100% just consisted of the dorm residents standing in their room while a superior looked around the room. The bottle that was found in the closet, I honestly don't remember how it got there. The only time I remember hiding alcohol in my closet was during a time before the policy was official. When dorm residents were allowed to have alcohol in their rooms and being I had a few friends that had access to my room, that drank, I hid it so my friends wouldn't get tempted to drink my alcohol. Friends of mine had access to my room before and after the policy official. I didn't drink very often so if that was the same bottle I must have forgot about it being in a Tupperware bowl of all places. In one or two of the statements I read from the inspectors of the rooms they stated that three or four bottles of alcohol were found. Only one bottle containing about 3/4 alcohol and four empty bottles that had been on my display shelf for a long time were found. After the alcohol incident I received:

Article 15—Grade reduction from E3 to E1—Base restriction 45 days— LOR (letter of reprimand)—30 days extra duty nonstop 12 hr shifts—Jail time was also discussed

I was offered an easy out of getting out early by my first shirt of that time. I didn't see it that way, I saw it as giving up so I chose to stay in and tough it out. Working twelve hours a day, every single day, was hard enough. But, washing and waxing anywhere from 5-6 of the trucks used for snow removal and the other giant trucks that clean the base after I was off from my regular job made life on me excruciatingly hard. Even after all that I had went through with my punishments, I was still being targeted. Especially with the Air Force Shaping Program by this time in my Air Force career, anyone with paperwork was a walking target.

January 14, 2005

**c. Charge:** You, on or about 5 Mar 2004, were derelict in the performance of your duties in that you failed to inform your chain of command before leaving early for car repairs. For this act of misconduct, you received a LOR, dated 5 Mar 2004.

**Defense:** After all that I had been through the last thing I wanted to do was get in trouble behind something that could be avoided. My car was not running properly without overheating because the radiator had gone out. I asked the civilian head of our shop if I could set a date and time to get it taken care of. The scheduled time was about a week after I asked the civilian head guy of our shop about the car and although it was a week in advance when I got the appointment I let the head civilian know the time and date. The day before the appointment, any time I remembered to remind him of the appointment he was no where around. The day of the appointment he wasn't in the shop when I was, being that it took me a week to get the appointment and my car was my only reliable transportation, I really needed to keep my appointment. I told the head Tsgt that was in rank below our shop NCOIC and my current supervisor my situation and they said it was fine and that I could leave as long as the head civilian knew about the appointment. The head civilian obviously forgot about the appointment because when I got back the head civilian guy was upset because he personally wasn't reminded by me and saw my actions as something after all that I had been through, something I purposely did. Although I told my military chain of command, which were the only ones present at the time that I had to leave to make my appointment, where I was going and why, that didn't even matter. After that Article 15 I was then labeled as a rebel and told constantly that I wasn't going to make it in the Air Force no matter how good I did.

**d. Charge:** You, on or about 31 Mar 2004, were derelict in the performance of your duties in that you, as a passenger, failed to wear a seat belt in government vehicle. For this act of misconduct, you received an LOR, dated 12 Apr 2004. (See attachments for the response letters from the parties physically involved)

**Defense:** On or about 29 Mar 2004 the safety rep for my squadron, who happens to wear glasses, physically stopped a truck with three of my co workers in it and told them to put on their seat belts because they were not wearing them. As soon as they put on their seat belts he allowed them to leave, one of those three had to fill out some type of form the other two nothing happened to them. 31 Mar 2004 the safety rep went to the First Sergeant of our squadron and told him he saw me from a far while I was riding in the back seat of a truck without my seat belt on. He also stated that as the truck was pulling out of the parking spot he observed me standing up throwing something at someone outside of the truck. The First Sergeant at the time who was the main one suggesting I get out of the military gave me a LOR just by the safety rep accusation. With my other co workers not only were they physically stopped and undeniably not wearing seat belts, nothing happened to them, not even an LOC. In my situation he wasn't close enough to physically stop the truck I was in or yell something or anything, but, he claims to have been close enough to see that I didn't have a seat belt on. I have letters from every other rider in the truck stating that we all put our seat belts on before leaving any area including that day. Our shop was briefed every morning before work about safety and seat belts and the safety rep for our shop was part of the group I was in that day. I also have a letter from the person the safety rep said I threw something at stating that he had no idea what the safety rep was speaking about. Regardless of all that, I still received an LOR for this accusation.

**e. You did on or about 5 May 2004, fail to go at the time prescribed to your appointed place of duty, to wit: a mandatory readiness formation at building 418. For this act of misconduct you received a LOR (letter of reprimand) dated 6 May 2004.**

**Final Defense:** At this time I was staying in housing watching my friends house and dog while she was TDY, the floor in housing was wood, my friends bed was on wheels, and the alarm clock was on the bed. Some of the electrical outlets throughout the house made loose

January 14, 2005

connections with appliances, including the ones in the bedroom, I always had the alarm clock sitting on the bed the whole time I stayed there and never had a problem. On our squadrons readiness day everyone in the squadron is to show up at 6:45am dressed, in formation and ready for inspection, I woke up, it was 6:55 and the alarm clock was not plugged up. I was late and by this time in my career it was already too late for anything to happen, especially if it was really my fault.

**Final Statement:** After a few months of arrival to Grand Forks AFB, I realized that it would be more than a challenge to succeed at the base alone without any type of upcoming deployments, TDY's, pcs, or much volunteer work. I still involved myself in numerous efforts to give back to the AF community such as Airmen Against Drunk Driving, AF Assistance Program, CFC rep for my shop, part in building the New Airman Center on base. In addition to numerous other volunteer efforts not included, I'm the recipient of a coin of excellence presented from the 319th mission support group commander and a coin of excellence from the 366th training squadron from the 366th squadron commander. I don't have any excuses for the mistakes I made, I'm responsible for my actions and regretful that I didn't have the knowledge and skill to handle situations differently while I was active duty. My average conduct and efficiency ratings were good. I was in the process of teaching myself how to be a good airman since my first supervisor was less than a couple of months from separation and my second supervisor was in the process of cross training their attention was focused mostly on themselves and not guiding their troops. Although its not impossible, it's hard to guide yourself in a completely different environment in which you don't know much about and grew up totally different from but I was making an effort to learn. During my learning time where higher-ranking enlistment officers know that new airmen "mess up" in most cases, the Air Force Shaping Program was new and ready for testing. With the Air Force Shaping Program abroad during my learning period, that made me an easy target to get rid of for convenience of the government. With a year and a half of time in service remaining, I was so close to finishing my tour it was unfair to give me a discharge that would not allow usage of my Montgomery GI Bill that I earned. A couple of days after my discharge notice my supervisor told me I received orders to Korea where I would be able to start over, but they discharged me instead. Please consider my plea as I feel the current status of my discharge was not justifiable.

Yours faithfully,







DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 319TH AIR REFUELING WING (AMC)  
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

FD 2004-00508

MEMORANDUM FOR AB [REDACTED]

FROM: 319 CES/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 AFPD 36-32 and AFI 36-3208, paragraph 5.49. 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 Under Honorable Conditions (General).
2. My reason for this action is:
  - a. You did, on or about 5 May 2004, fail to go at the time prescribed to your appointed place of duty, to wit: a mandatory readiness formation at building 418. For this act of misconduct, you received a Letter of Reprimand (LOR), dated 6 May 2004. (Attachment A)
  - b. You, on or about 31 March 2004, were derelict in the performance of your duties in that you, as a passenger, failed to wear a seatbelt in government vehicle. For this act of misconduct, you received an LOR, dated 12 April 2004. (Attachment B)
  - c. You did, on or about 5 February 2004, without authority, go from your appointed place of duty, to wit: leaving the gym before the official time to be released and then reporting for normal duty late. Also on or about 13 February 2004, you were derelict in the performance of your duties in that you willfully failed to refrain from possessing alcohol in your dormitory. For these acts of misconduct, you received a Record of Nonjudicial Punishment (Article 15), dated 10 March 2004. (Attachment C)
  - d. You, on or about 5 March 2004, were derelict in the performance of your duties in that failed to inform your chain of command before leaving early for car repairs. For this act of misconduct, you received a LOR, dated 5 March 2004. (Attachment D)
  - e. You did, on or about 30 July 2003, without authority, start to leave early from your duty section until an NCO from your section spoke to you, prompting you to stay until the proper time. For this act of misconduct, you received a Letter of Counseling (LOC), dated 19 August 2003. (Attachment E)

3. 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 Captain [REDACTED] at 345 Steen Blvd, on 1 JUN, at 1500 hours. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 4 JUN 2004 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have been scheduled for a medical examination. You must report to 319th Medical Group, 1599 J Street, Building 109 on 2 JUN 2004 at 1045 hours for the examination.
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 at First Sergeants Office.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]  
Commander

Lt Col, USAF

**Attachments:**

1. Supporting Documents
  - a. LOR, dated 6 May 04, (2 pgs)
  - b. LOR, dated 12 Mar 04 (7 pgs)
  - c. AF Form 3070, dated 10 Mar 04, (38 pgs)
  - d. LOR, dated 5 Mar 04, (2 pgs)
  - e. LOC, dated 19 Aug 03 (3 pgs)
2. Privacy Act Statement
3. Acknowledgement of Receipt of Notification Memorandum
4. Discharge Under AFI 36-3208 Memorandum
5. Personnel Information