

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF APPLICANT (INITIAL)	
TYPE GEN	PERSONAL APPEARANCE <input checked="" type="checkbox"/> RECORD REVIEW

COUNSEL	YES	No	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
		<input checked="" type="checkbox"/>		

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

ISSUES	A95.00	INDEX NUMBER	A67.90	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	16 Sep 2005	CASE NUMBER	FD-2005-00075	
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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, 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.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

INDORSEMENT	DATE: 9/16/2005
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-2005-00075

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: Upgrade of discharge is denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE: The records indicated the applicant received five Letters of Reprimand, one Letter of Counseling, and two Records of Individual Counseling for misconduct. Her misconduct included late for duty on multiple occasions, failure to obey orders, financial irresponsibility, civil arrest for driving under the influence, and violation of parole/probation by the State of Florida for failure to complete community service and committing a new crime of passing worthless checks. 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

(Former SSGT) (HGH SSGT)

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

2. **BACKGROUND:**

a. DOB: 28 Jul 72. Enlmt Age: 18 1/12. Disch Age: 30 9/12. Educ: HS DIPL. AFQT: N/A. A-65, E-63, G-46, M-34. PAFSC: 4N071 - Medical Service Technician. DAS: 22 Feb 99.

b. Prior Sv: (1) AFRes 29 Aug 90 - 30 May 91 (9 months 1 day) (Inactive).

(2) Enlisted as AB 31 May 91 for 4 yrs. Reenlisted as SrA 2 Sep 94 for 6 yrs. Svd: 9 yrs 0 months 29 days, all AMS. AMN - 30 Nov 91. A1C - 23 Oct 92. SrA - 28 Jun 94. SSgt - 09 Jan 99. EPRs: 4,4,5,5,5,5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSgt 30 Jun 00 for 6 yrs. Svd: 2 Yrs 10 Mo 0 Das, of which AMS is 2 yrs 9 months 22 days (excludes 8 days lost time).

b. Grade Status: None.

c. Time Lost: 21 Jan 03 thru 29 Jan 03 (8 days).

d. Art 15's: None.

e. Additional: LOR, 06 MAR 03 - Financial irresponsibility.
LOR, 06 MAR 03 - Violation of Parole/Probation by the State of Florida for failure to complete community service and committing a new crime of passing worthless checks.
LOR, 09 JAN 03 - Failure to obey orders.
LOR, 30 JUL 02 - Late for work on several occasions.
LOR, 10 JUL 02 - Civil arrest for driving under the influence of alcohol.
LOC, 16 APR 02 - Late for work on several occasions.
RIC, 28 JAN 01 - Late for duty.
RIC, 17 JAN 01 - Late for duty.

f. CM: None.

g. Record of SV: 16 Dec 99 - 31 Aug 00 Tyndall AFB 5 (CRO)
01 Sep 00 - 04 Mar 01 Tyndall AFB 4 (CRO)

05 Mar 01 - 04 Mar 02 Tyndall AFB 4 (Annual)

h. Awards & Decs: AFAM W/2 DEVS, NCOPMER, HSM, NDSM W/1 DEV, SWASM W/1 DEV, AFTR, AFLSAR W/1 DEV, AFOUA W/5 DEVS, AFGCM W/2 DEVS.

i. Stmt of Sv: TMS: (12) Yrs (7) Mos (14) Das
TAMS: (11) Yrs (10) Mos (22) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 8 Feb 05.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

24MAR05/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND (AETC)
TYNDALL AIR FORCE BASE, FLORIDA

MEMORANDUM FOR SSGT [REDACTED]

28 MAR 2003

FROM: 325 MDOS/CC

SUBJECT: Notification Memorandum—Administrative Discharge Board

1. I am recommending your discharge from the United States Air Force for Misconduct; specifically, conduct prejudicial to good order and discipline. The authority for this action is Air Force Policy Directive 36-32 and Air Force Instruction 36-3208, Chapter 5, Section H, par 5.50. If my recommendation is approved, your service will be characterized as honorable, general or under other than honorable conditions (UOTHC). I am recommending your service be characterized as general.

2. My reasons for this action are:

a. As evidenced by a Letter of Reprimand (LOR), dated 6 Mar 03: You, did, at or near Panama City, Florida, on divers occasions, between on or about 29 Aug 02 and on or about 6 Sep 02, pass worthless checks. (ATCH 1a)

b. As evidenced by a LOR, dated 6 Mar 03: You, at or near Panama City, Florida, on or about 17 Jan 03, were convicted of violating your probation by the state of Florida because you failed to complete your community service work and because you passed worthless checks. (ATCH 1b)

c. As evidenced by a LOR, dated 17 Jan 03: You, did, at or near Panama City, Florida, on or about 9 Jan 03, fail to inform MSgt [REDACTED] upon completion of legal matters with the Bay County Sheriffs Department, although you had been instructed that you needed to tell him upon completion of the matters. (ATCH 1c)

d. As evidenced by a LOR, dated 21 Jun 02, a Judgment and Sentence Affidavit, dated 21 Jun 02 and an incident report numbered 2002-061428: You, did, at or near Panama City, Florida, on or about 8 Jun 03, at the intersection of highway 98 and N. Lakewood Drive, physically control a vehicle, to wit: a 1995 Chrysler Eagle while the alcohol concentration in your breath was .18 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. (ATCH 1d)

e. As evidenced by a LOR, dated 30 Jul 02: You, did, at or near Tyndall Air Force Base, Florida, on or about on the following listed dates, 20 Jul 01, 13 May 02, 2 Jul 02, 8 Jul 02, 22 Jul 02, fail to go to your appointed place of duty at the time prescribed, to wit: Medical Clinic Building 1465. (ATCH 1e)

[REDACTED]

f. As evidenced by a LOR, dated 16 Apr 02: You, did, at or near Tyndall Air Force Base, Florida, on or about on 15 Apr 02, fail to go to your appointed place of duty at the time prescribed, to wit: Medical Clinic Building 1465. (ATCH 1f)

g. As evidenced by a Record of Individual Counseling (ROIC), dated 28 Jan 01: You, did, at or near Tyndall Air Force Base, Florida, fail to go to the mandatory start of day and end of day meetings on three occasions between 14 Jan 01 and 28 Jan 01. (ATCH 1g)

h. As evidenced by a Record of Individual Counseling (ROIC), dated 17 Jan 01: You, did, at or near Tyndall Air Force Base, Florida, fail to go to the mandatory start of day and end of day meetings on two occasions between 14 Jan 01 and 17 Jan 01. (ATCH 1h)

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 jurisdiction, or a higher authority, will decide whether you will be discharged or retained in the Air Force. 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.

4. You have the right to:

- a. Consult legal counsel;
- b. Present your case to an administration discharge board;
- c. Be represented by legal counsel at a board hearing;
- d. Submit statements in your behalf in addition to, or in lieu of, the board hearing;
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within seven (7) workdays unless you request and receive an extension, in writing, for showing good cause. I will send them to the separation authority.

6. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult Capt [REDACTED] Area Defense Counsel, Bldg. 1005 (3-2911) at 1000 on 31 Mar 03. Please take your copy of this Notification Memorandum and attachments with you to your scheduled appointment with your counsel. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI-51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available. If you



fail to consult counsel or submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

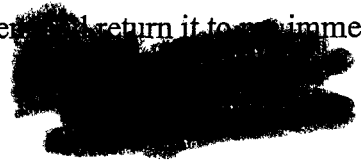
7. Confer with your counsel and reply, in writing, within seven (7) workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. You have been scheduled for a medical records check as part of this discharge process. You must report to the NCOIC, Physical Examinations, Building 1465 (3-7673), Monday, Tuesday, Thursday or Friday between 1330 and 1500 to complete this medical records check.

9. You have been scheduled for a separations briefing. You must report to 325 MSS/DPMAR (Separations) section at 0900 on 26 Mar 03

10. Any personal information you furnish in rebuttal is covered by the Privacy Act. A copy of AFI 36-3208 is available for your use in the unit personnel office.

11. Execute the attached acknowledgment and return it to me immediately.



 Lt Col, USAF
Commander, 325 MDOS

Attachments:

- 1a. LOR, dated 6 Mar 03
- 1b. LOR, dated 6 Mar 03
- 1c. LOR, dated 17 Jan 03
- 1d. LOR, dated 10 Jul 02 (w/attachments)
- 1e. LOR, dated 30 Jul 02
- 1f. LOC, dated 16 Apr 02
- 1g. ROIC, dated 28 Jan 01
- 1h. ROIC, dated 17 Jan 01
- 2. Airman's Receipt of Notification Memorandum

