

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A92.35 A94.05	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 23 Sep 2005	CASE NUMBER FD-2005-00095
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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.

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INDORSEMENT		DATE: 9/23/2005
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-2005-00095

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 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 contends her discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, two Letters of Reprimand, one Letter of Counseling, and twenty-three AETC FM 341s for misconduct. The misconduct included leaving duty without authority, a security violation, failed room inspection, room left unsecured, late to formation, missed formations, phase violation, dereliction of duty, late to casual, late to formation, missed PRT, left detail without permission, not in room for phase checks, unprofessional behavior, smoking in uniform, and underage drinking. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Goodfellow AFB, TX on 7 Oct 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 Jan 85. Enlmt Age: 17 10/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-74, E-70, G-72, M-61. PAFSC: 1N411 - Signal Intel Analysis Helper. DAS: 29 Sep 03.

b. Prior Sv: (1) AFRes 25 Nov 02 - 11 Aug 03 (8 months 18 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Aug 03 for 6 yrs. Svd: 1 Yrs 1 Mo 26 Das, all AMS.

b. Grade Status: A1C - 26 Sep 03

c. Time Lost: None.

d. Art 15's: (1) 8 Mar 04, Goodfellow AFB, TX - Article 134. You did, at or near Burnet, Texas, between on or about 17 Jan 04 and on or about 19 Jan 04, wrongfully possess an alcoholic beverage while a minor, in violation of Texas Alcoholic Beverage Code Annotated, Section 106.05, which conduct was to the prejudice of good order and discipline in the armed forces. Suspended reduction to Airman. Thirty days correctional custody, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 27 AUG 04 - Failure to report to Physical Readiness Training (PRT).

AETC 341, 25 AUG 04 - Smoking in uniform.

LOR, 19 AUG 04 - Failure to report to mandatory formation.

AETC 341, 19 AUG 04 - Missed formation.

AETC 341, 18 AUG 04 - Missed formation.

LOC, 18 AUG 04 - Failure to report to PRT.

AETC 341, 17 AUG 04 - Phase violation.

AETC 341, 15 AUG 04 - Unprofessional behavior.

AETC 341, 15 AUG 04 - Not in room for Phase checks.

AETC 341, 29 JUL 04 - Late to formation.

AETC 341, 28 JUL 04 - Late to formation.

AETC 341, 13 JUL 04 - Left detail without permission.

AETC 341, 04 JUL 04 - Late to formation.

AETC 341, 25 JUN 04 - Missed PRT.
AETC 341, 25 JUN 04 - Late to formation.
AETC 341, 25 JUN 04 - Late to formation.
AETC 341, 17 JUN 04 - Late to casual.
AETC 341, 14 JUN 04 - Dereliction of duty.
AETC 341, 08 JUN 04 - Room failure.
AETC 341, 04 MAY 04 - Phase violation.
AETC 341, 26 APR 04 - Missed formation.
AETC 341, 12 APR 04 - Late to formation.
AETC 341, 07 APR 04 - Late to formation.
AETC 341, 12 MAR 04 - Room messy and left unsecured.
AETC 341, 19 FEB 04 - Security violation.
AETC 341, 19 FEB 04 - Left duty without authority.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (10) Mos (13) Das
TAMS: (1) Yrs (1) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Apr 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 149.

29APR05/ia

To: Air Force Review Board

From: [REDACTED]

Date: April 21, 2005

Subject: Personal Statement

I am writing this as a brief explanation of the unfair treatment that I received while I was a member of the United States Air Force, and as a request to have my discharge upgraded to an Honorable discharge because I feel this is what I deserve. Thank you for taking the time to review the following.

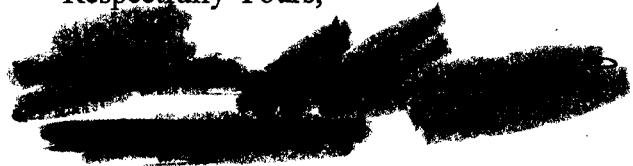
I entered the military on August 12, 2003, with every intention of completing my full six year term of enlistment. I went into the intelligence field because my intentions were to work for the Central Intelligence Agency after my term was completed. Shortly after I received my interim clearance and began class, I knew I had made the right decision. I enjoyed my job very much as well as enjoyed being a member of the Air Force. Being in the intelligence training was stressful and difficult but I managed to maintain a 98% average in the course, at the top of my class, which I was very proud of. Unfortunately during the weekend of January 17th, 2004, myself and 12 other military members made a very bad mistake. We went on a camping trip in which there was underage drinking involved. Shortly after, word got back to my chain of command about the camping trip and we all received Article 15's for underage drinking. Part of my punishment was 30 days of Correctional Custody which I entered also with every intention of completing. On the third day I was in CC, they held a search of the entire facility including everyone's person. When I was searched, the Special Forces Officer found a "flake" of tobacco in my BDU pocket. Prior to entering CC, I had been a smoker and this flake that was found must have fallen out of a cigarette pack and was wrapped in with my pocket lint. I was removed from the Correctional Custody Program and told that I would be discharged for failure to complete the program. After months of trying to make my chain of command understand my story and realize that it was not a significant amount of tobacco that could be used, but only a small flake, they withheld the discharge packet. I was promised by my commander at this point that he would have me back in class as soon as possible. A month later, I was told that they still had not put me back in class because my clearance was on hold. My clearance was being investigated because of the discharge packet they had tried to serve me with. I did my best to stay out of trouble and wait for my clearance to come through once again so I could return to class. I was then told that they could not get my clearance back and that they were going to discharge me once more under Force Shaping this time, and that my discharge would be Honorable. After another month had passed, I was then told that my discharge could not go through because Force Shaping did not apply to students, and now I would be re-classed, which I did not want because the reason I entered the military in the first place was for my security clearance so that I could later work for the CIA. Over a year had passed at this point, and I was becoming very frustrated as I was on casual status for 8 months now and could not get a straight answer out of anyone in my chain of command. It was during this

time that I began to make a few more mistakes. I missed a formation, I was late to physical training, and I was caught smoking in a permanent party area of the base. For all three of these offenses I was not issued a warning like the rest of the tech-school airmen, but I was given Letters of Reprimand. These three letters, plus the article 15 from January, were all put into a discharge packet that I was served with. Again, I was very frustrated at this point because for months my chain of command had been lying to me, telling me one thing and doing another, making promises to me about getting me back into class and never following through, along with various other issues I had with my chain, that I decided to accept the discharge packet to get away from the stress. The reason my chain refused to give me an Honorable discharge was because of the article 15 that I had, even though a few months prior they were ready to give me an honorable knowing that I had the article. I do not feel that only getting 3 LOR's through my 14 month career in the military is reason to give me a general discharge.

I wanted nothing more than to serve my country honorably, complete my term, and get the most out of the military as I could. My chain of command is at fault for not allowing me to do this. Because I had made one mistake, they took it out on me every day. I was treated different than the other airmen, my military training leaders were harassing me on a daily basis which I tried to take care of through the inspector general an endless amount of times but never had any success, and whether I did something wrong or not, I was constantly blamed for other's mistakes. I know if I had not received the article 15 that I fully deserved, my chain of command would never have singled me out the way they did, leading to my discharge. I would also like to make note that the other airmen that went to correctional custody with me and were able to complete it were put back into class within a month, and have been enjoying themselves at their first duty stations for quite some time. I did nothing different than these airmen who received the same article 15, in fact most of them were in more trouble than I was during their career at Goodfellow AFB. I do not think it is fair that they get to complete their military careers, eventually ending on an honorable note, and I was not even able to get out of technical training with a good discharge.

If there are any records you would like to review before making your decision on this matter, please let me know as I have kept a copy of everything. Thank you very much for your time and consideration in this matter, it is greatly appreciated. I hope that in the future when I apply to the Central Intelligence Agency, I will be able to present them with an Honorable Discharge.

Respectfully Yours,

A large, dark, irregular redacted area covering the signature and name of the sender.

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

SEP 10 2004

MEMORANDUM FOR AIC [REDACTED] 316 TRS

FROM: 316 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for 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 general. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. Between on or about 17 Jan 04 and on or about 19 Jan 04, you did wrongfully possess an alcoholic beverage while a minor, at or near Burnet, Texas, in violation of Texas Alcoholic Beverage Code Annotated, Section 106.05, which conduct was to the prejudice of good order and discipline in the armed forces. For this misconduct, you received an AF Form 3070 (Article 15), dated 8 Mar 04.
 - b. On or about 18 Aug 04, you failed to report to Physical Readiness Training (PRT). For this misconduct, you received a Letter of Counseling, dated 18 Aug 04.
 - c. On or about 19 Aug 04, you failed to report to a mandatory morning casual formation and you were found in your room. For this misconduct, you received a Letter of Reprimand, dated 19 Aug 04.
 - d. On or about 24 Aug 04, you failed to report to mandatory morning PRT and you were found sleeping in your room. For this misconduct, you received a Letter of Reprimand, dated 27 Aug 04.
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 any special pay, bonus, or education assistance funds may be subject to recoupment.
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 with the Goodfellow AFB, Area Defense Counsel on 10 Sep at 1500 hours in Bldg 308. 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 15 Sep at 0850 hours 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 must report to the Physical Exams Section of the clinic during walk-in hours, Monday through Thursday from 0730-1530 hours, for your medical examination.
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 Unit Orderly Room.


Commander

1st Col, USAF

Attachments:

1. AF Form 3070 (Article 15), dated 8 Mar 04
2. Letter of Counseling, dated 18 Aug 04
3. Letter of Reprimand, dated 19 Aug 04
4. Letter of Reprimand, dated 27 Aug 04.