

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	<b>HON</b>	<b>GEN</b>	<b>UOHC</b>	<b>OTHER</b>	<b>DENY</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>

<b>ISSUES</b>	<b>A92.21</b> <b>A93.01</b>	<b>INDEX NUMBER</b>	<b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
				<b>1</b>	<b>ORDER APPOINTING THE BOARD</b>
				<b>2</b>	<b>APPLICATION FOR REVIEW OF DISCHARGE</b>
				<b>3</b>	<b>LETTER OF NOTIFICATION</b>
				<b>4</b>	<b>BRIEF OF PERSONNEL FILE</b>
					<b>COUNSEL'S RELEASE TO THE BOARD</b>
					<b>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</b>
					<b>TAPE RECORDING OF PERSONAL APPEARANCE</b>

<b>HEARING DATE</b>	<b>11 Oct 2005</b>	<b>CASE NUMBER</b>	<b>FD-2005-00188</b>
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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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<b>INDORSEMENT</b>		<b>DATE: 10/11/2005</b>
<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**

**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:**

Issue 1. The applicant requests upgrade of discharge to remove the "negative blemish" it represents to her. The records indicated the applicant received a general discharge for misconduct--minor disciplinary infractions. Her misconduct included an Article 15 for striking an individual and assaulting another, four Letters of Reprimand for insubordinate conduct towards a senior noncommissioned officer, late for work, violation of a no-contact order, and civil arrest for assault; two Records of Individual Counseling for late for work and failure to use the chain of command. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior. The DRB recognized the applicant was 21 years of age when she enlisted and age 25 when the discharge took place. However, there is no evidence she was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. 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.

Issue 2 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in her discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized her term of service.

**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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Langley AFB, VA on 6 May 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 31 May 76. Enlmt Age: 21 10/12. Disch Age: 25 9/12. Educ: HS DIPL. AFQT: N/A. A-70, E-28, G-29, M-19. PAFSC: 2S051 - Supply Journeyman. DAS: 1 Jun 99.

b. Prior Sv: (1) AFRes 16 Apr 98 - 19 Jan 99 (9 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 20 Jan 99 for 4 yrs. Svd: 3 Yrs 3 Mo 17 Das, all AMS.

b. Grade Status: A1C - 21 Mar 02 (Article 15, 21 Mar 02)  
SrA - 20 Jan 02  
A1C - 20 May 00  
Amn - 20 Jul 99

c. Time Lost: None.

d. Art 15's: (1) 21 Mar 02, Langley AFB, VA - Article 128. You, did, at or near Hampton, Virginia, on or about 26 Feb 02, unlawfully strike [REDACTED] on the face with your hand. You, did, at or near Hampton, Virginia, on or about 26 Feb 02, assault SSgt [REDACTED] who then was, and was then known by you to be a noncommissioned officer of the United States Air Force, by punching him on the back with your fists. Reduction to A1C. Suspended forfeiture of \$250.00 pay per month for 2 months. Thirty days extra duty (in excess of 15 days suspended). (Appeal/Denied) (No mitigation)

e. Additional: LOR/UIF, 18 MAR 02 - Civil arrest for assault.  
LOR, 13 MAR 02 - Violated a no contact order.  
LOR, 28 JUL 00 - Late for work.  
RIC, 20 JUN 00 - Failure to use the chain of command.  
RIC, 05 NOV 99 - Late for work.  
LOR, 11 AUG 99 - Insubordinate conduct toward a SNCO.

f. CM: None.

g. Record of SV: 20 Jan 97 - 19 Sep 00 Langley AFB 2 (Initial)REF  
20 Sep 00 - 19 Sep 01 Langley AFB 4 (Annual)

h. Awards & Decs: AFTR, AFOEA.

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (21) Das  
TAMS: (3) Yrs (3) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Apr 05.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 214.
3. Six Character References.
4. Two Emails of Commendation.
5. Four Performance Award Certificates.

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16JUN05/ia

April 28, 2005

TO: Air Force Review Board Agency  
SAF/MRBR  
550-C Street West, Suite 40  
Randolph TX 78150-4742

FROM: [REDACTED]

SUBJECT: Military Discharge Review Request

I, [REDACTED] would like to request that a thorough review be conducted of my discharge from the United States Air Force. My current discharge, General under Honorable Conditions, is a negative blemish that I would like to rectify. After my separation, I was able to reflect on my conduct and gain a better understanding of what my supervision was trying to instill in me. For my actions I am very apologetic and only wish I was afforded the opportunity to correct my errors in judgment. Even though I didn't leave the Air Force on my terms and there were instances when my conduct did not meet Air Force standards which led to my separation, those experiences though painful, have driven me to succeed and I take full responsibility for those lapses in my behavior. Since that uneventful time in my life, I made a successful transition to the civilian life overcoming my past, while making enormous strides in my current occupation as a Customer Service Representative with Comcast Cable, in Lithonia GA. I have been an employee of Comcast Cable for over two years, during which time I have gained the trust of my supervision, reference atch1., by Mr. [REDACTED] (Customer Care Manager, Comcast Cable) who speaks highly of my drive, determination, competence, and professionalism, and my co-worker reference atch2., Mrs. [REDACTED] who's statements about my character and behavior, echo the sentiments of Mr. [REDACTED]. These statements as well as the other documentation that will be included in my request, only prove that my time in the Air Force did provide me with the tools to be successful. In closing I just ask that my statements as well as those of my peers and supervisors be taken into consideration when the reviewing my request.

Very Respectfully,  
[REDACTED]

Attachments: 1-12  
Character Reference Letters

FD2005-00188  
APR 17 2002



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 1ST FIGHTER WING  
LANGLEY AIR FORCE BASE VA

MEMORANDUM FOR AIC [REDACTED]

FROM: ACC RSS/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, Chapter 5, Section H, Paragraph 5.49. If your discharge 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 reasons for this action are:

a. On or about 9 Aug 99, you displayed insubordinate and disrespectful behavior towards [REDACTED] by failing to stop talking when you were asked to repeatedly. For this incident, you received a Letter of Reprimand (LOR), dated 11 Aug 99.

b. On or about 5 Nov 99, you reported late for duty. For this incident, you received a Record of Individual Counseling (RIC)/AF Form 174, dated 5 Nov 99.

c. On or about 10 Jun 00 and on or about 11 Jun 00, you worked weekend duty and failed to report that you were unable to find a bomber, special mission log and asked for assistance outside the flight. For this incident, you received an RIC/AF Form 174, dated 20 Jun 00.

d. On or about 25 Jul 00, you reported late for duty. For this incident, you received an LOR, dated 28 Jul 00.

e. On or about 26 Feb 02, you violated a no contact order with SSgt [REDACTED]. You violated this order by stopping by his residence to pick-up personal items. For this incident, you received an LOR, dated 8 Mar 02.

f. On or about 26 Feb 02, you failed to obey a lawful order to have no contact with Staff Sergeant Stanberry, unlawfully struck [REDACTED] on the face with your hand, and assaulted a noncommissioned officer by punching him in the back with your fists. For this incident, you received an Article 15 on 18 Mar 02, with a punishment. Additionally, this Article 15 was filed in your UIF.

g. On or about 4 Feb 02, you were involved in an altercation with SSgt [REDACTED] at his residence. You removed a steak knife from a drawer and followed SSgt [REDACTED] into the bedroom where a scuffle ensued. During that scuffle, you inflicted a 1-inch cut on his neck

which resulted with you being arrested by the Newport News Police Department and charged with assault. For this incident, you received an LOR, dated 18 Mar 02.

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial 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 Captain [REDACTED], Area Defense Counsel, 54 Willow Street, Bldg. 147, Ext. 5607 at 1430 hours on 18 APR 02 2002. 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 1630 hours on 22 Apr 02 2002 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 1st Medical Group, Physical Exam Section at 1330 hours on 25 Apr 02 2002 and an additional examination will be scheduled if necessary.

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.

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



AF  
Regional Supply Squadron

Attachments:

1. Supporting Documents
    - a. LOR - 11 Aug 99
    - b. RIC/AF Form 174 - 5 Nov 99
    - c. RIC/AF Form 174 - 20 Jun 00
    - d. LOR - 28 Jul 00
    - e. LOR - 8 Mar 02
    - f. Article 15 - 21 Mar 02
    - g. LOR - 18 Mar 02
  2. Receipt of Notification Memorandum
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