

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

(INITIAL)

<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</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>		

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

<b>ISSUES</b>	<b>A94.06</b> <b>A92.02</b>	<b>Nov. 10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
			<b>1</b> ORDER APPOINTING THE BOARD
			<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
			<b>3</b> LETTER OF NOTIFICATION
			<b>4</b> 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>	<b>CASE NUMBER</b>		
<b>18 Oct 2005</b>	<b>FD-2005-00254</b>		

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, 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.

**INDORSEMENT**

**DATE: 10/21/2005**

<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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00254**

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

The applicant appeared and testified before the Discharge Review Board (DRB), (without) counsel, at Andrews AFB on 18 Oct 2005. The applicant's mother observed the proceedings but did not testify.

The following additional exhibits were submitted at the hearing:

- Exhibit #5: Applicant's Contentions
- Exhibit #6: Supporting documents for Article 15, March 2004
- Exhibit #7: IG Complaint
- Exhibit #8: Letter to senator and reply
- Exhibit #9: Request to separate from military
- Exhibit #10: Marines, Delayed entry program
- Exhibit #11: Education records
- Exhibit #12: 14 letters of appreciation
- Exhibit #13: Awards and nomination
- Exhibit #14: Customer service course completion certificate

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** The discharge is upgraded to Honorable; however, the change of reason and authority for discharge and change of reenlistment code are denied.

**ISSUE:** Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received a Record of Individual Counseling for reporting late for duty, a Letter of Reprimand for dereliction of duty, a Letter of Reprimand for failure to pay just debt and an Article 15 for failure to obey and false official statements during a six month period. The Board concluded that the applicant's testimony and submitted evidence did not overcome the preponderance of the evidence that indicated there was misconduct warranting disciplinary action. However, after considering evidence of the record and testimony, the Board concluded by a split vote that the applicant's discharge was too harsh based on her three years of clearly exemplary duty performance prior to the aforementioned disciplinary actions and the extenuating circumstances surrounding the events leading to disciplinary actions and her discharge.

**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. However, 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. The Board concluded that no change in the narrative reason for discharge or in the reenlistment code was supported by evidence of the record and testimony.

Attachment:  
Examiner's Brief

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

[REDACTED]

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Wright-Patterson AFB, OH on 26 May 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 06 Sep 81. Enlmt Age: 18 9/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-57, E-46, G-42, M-36. PAFSC: 3S051 - Personnel Journeyman. DAS: 24 Apr 02.

b. Prior Sv: (1) AFRes 16 Jun 00 - 06 Sep 00 (2 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 07 Sep 00 for 4 yrs. Svd: 03 Yrs 08 Mo 20 Das, all AMS.

b. Grade Status: A1C - 08 Mar 04 (Article 15, 08 Mar 04)  
SrA - 07 Mar 03  
A1C - 07 Jan 02  
Amn - 07 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 08 Mar 04, Spangdahlem AB, Germany - Article 92. You, having knowledge of a lawful order issued by [REDACTED] to wit: to pickup a dorm key from TSgt [REDACTED] the dorm manager of building 332, between 1330 and 1400 hours on 17 Feb 04, an order which it was your duty to obey, did, on or about 17 Feb 04, fail to obey the same. You, who knew of your duties, between on or about 12 Feb 04 and on or about 13 Feb 04, were derelict in the performance of those duties in that you willfully failed to stop your Overseas Housing Allowance, as it was your duty to do. Article 107. You did, on or about 24 Feb 04, with intent to deceive, make to SSgt [REDACTED] an official statement, to wit: "it is taken care of," in response to SSgt [REDACTED] telling you to be in the subsistence in kind system and to turn in an Air Force Form 220 to stop your basic subsistence allowance, which statement was totally false, and was then known by you to be so false. Reduction to Airman (reduction below A1C suspended). Forty five days extra duty, and restriction to the limits of Spangdahlem AB, Germany for 45 days.

Reprimand. (Appeal/Denied) (No mitigation)

- e. Additional: LOR, 19 FEB 04 - Failure to pay debt.  
LOR, 12 DEC 03 - Dereliction of duty.  
RIC, 16 OCT 03 - Failure to go.
- f. CM: None.
- g. Record of SV: 07 Sep 00 - 23 Jun 02 Spangdahlem AB 5 (Initial)  
24 Jun 02 - 01 Nov 02 Spangdahlem AB 5 (CRO)  
02 Nov 02 - 15 Dec 03 Spangdahlem AB 4 (Annual)
- h. Awards & Decs: AFAM W/2 OLCS, AFTR, NDSM, AFGCM, AFOSSTR.
- i. Stmt of Sv: TMS: (3) Yrs (11) Mos (11) Das  
TAMS: (3) Yrs (8) Mos (20) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Jun 05.  
(Change Discharge to Honorable)

Issue 1: I feel I was in appropriately punished for my actions. My  
infractions were minor. My duty performance was excellent.

**ATCH**

1. DD Form 214.
2. Notification Memorandum.
3. Disciplinary Infractions with Rebuttal Statements.
4. Financial Statements.
5. Article 15.
6. Discharge Documents.
7. Eight Awards and Appreciation Documents.
8. Certificate of Completion.
9. List of Extra Activities.
10. AF Form 77.
11. Enlisted Performance Reports.
12. Twenty Character Statements.
13. Enlisted Performance Reports.

3AUG05/ia



DEPARTMENT OF THE AIR FORCE  
52D FIGHTER WING (USAFE)

FD2005-80254

19 Apr 04

MEMORANDUM FOR AIC [REDACTED], 52 AMXS

FROM: 52 AMXS/CC

SUBJECT: Notification Letter

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 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 16 Oct 03, you failed to go at the time prescribed to your appointed place of duty. For this infraction, you received a Record of Individual Counseling (RIC) dated 16 Oct 03 (Atch 1).

b. On or about 29 Nov 03, you were derelict in the performance of your duties in that a unit self-inspection disclosed that numerous aspects of the Individualized Newcomer Treatment and Orientation (INTRO) Program were not in compliance with applicable directives. For this infraction, you received a Letter of Reprimand (LOR) dated 12 Dec 03 (Atch 2).

c. On or about 5 Nov 03 and on or about 1 Dec 03, you failed to pay just debts, to wit: your rent to Wiedenhof Palace in the amount of 859 Euro. Further investigation disclosed that on or about 24 Jan 04 via telephone you made a false statement, to wit: you told Capt [REDACTED] that you had paid your rent and that the receipt was in the glove compartment of your automobile. For these infractions, you received an LOR dated 19 Feb 04 (Atch 3).

d. On or about 12 Feb 04 and on or about 13 Feb 04, you were derelict in the performance of your duties in that you willfully failed to stop your Overseas Housing Allowance as it was your duty to do. On or about 17 Feb 04, you disobeyed a lawful order issued by SSgt [REDACTED] to wit: to pick up a key from TSgt [REDACTED] the dorm manager of building 332, between 1330 and 1400 hours on 17 Feb 04. Further, on or about 24 Feb 04, you made a false official statement to SSgt [REDACTED] to wit: "it is taken care of," in response to SSgt [REDACTED] telling you to be in the subsistence in kind system and to turn in an AF Form 220 to stop your basic subsistence allowance, which statement was totally false, and was then known by you to be so false. For these infractions, you received a Record on Nonjudicial Punishment Proceedings dated 8 Mar 04 (Atch 4). As punishment, you were reduced to the grade of E-2 (Airman) with reduction below E-3 (Airman First Class) suspended through 7 Sep 04. In

addition, you were given 45 days of extra duty and restricted to the limits of Spangdahlem Air Base Germany for 45 days.

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. If you are discharged, you will be ineligible for re-enlistment 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 Capt [REDACTED] at Spangdahlem AB, Germany, DSN 452-6607, on 19 Apr at 1330 hours. You may consult civilian counsel at your own expense.

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 three duty days, unless you request and receive an extension in writing 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 your PRIMARY CARE MANAGER on 22 Apr at 0745 hours. You must report 15 minutes prior to your appointment.

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 Commander's Support Staff office.

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

[REDACTED], USAF  
Commander

Attachments:

1. RIC, 16 Oct 03
2. LOR, 12 Dec 03
3. LOR, 19 Feb 04
4. AF Form 3070, 8 Mar 04
5. Airman's Receipt of Notification Letter, located at Tab 2