

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE & INITIAL)		GRADE AMN	AFSN/SSAN		
TYPE GEN	X	PERSONAL APPEARANCE		RECORD REVIEW	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			
YES	No	ADDRESS AND OR ORGANIZATION OF COUNSEL			
	X				
MEMBER SITTING		VOTE OF THE BOARD			
		HON	GEN	UOTHC	OTHER
		X			
		X			
		X			
		X			
ISSUES A94.06 A92.02		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
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
		TAPE RECORDING OF PERSONAL APPEARANCE			
HEARING DATE 10 Nov 2005		CASE NUMBER FD-2005-00341			
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.					
ENDORSEMENT		DATE: 11/16/05			
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-2005-00341

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 10 Nov 2005.

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

FINDINGS: Upgrade of discharge to honorable is granted. Change of reason and authority for discharge, and change of reenlistment code are denied.

ISSUE: Applicant contends discharge was inequitable because it was too harsh and did not take into account the quality of her service. The records indicated the applicant received an Article 15, two Letters of Reprimand, and a verbal reprimand for minor disciplinary infractions over a four month period including one incident of driving under the influence, two uniform violations, and a failure to go. Although the Board noted the pattern of misconduct indicated a failure to respond to counseling and properly formed the basis for administrative discharge, it considered evidence of excellent duty performance as evidenced by performance reports and numerous character letters from senior NCOs and senior officers from the time of her discharge in the personnel record. The Board opined that the evidence of the record and that obtained from testimony supported an upgrade to honorable. The Board concluded the discharge was appropriate for the incidents of willful misconduct which were the basis for this case and therefore the Board concluded that the narrative reason for discharge was proper and equitable and that a change in the reenlistment code was not 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. 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 without change in the narrative reasons or reenlistment code. The applicant's characterization should be changed to Honorable under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief

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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Langley AFB, VA on 01 Sep 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Jul 80. Enlmt Age: 21 7/12. Disch Age: 24 1/12. Educ: HS DIPL. AFQT: N/A. A-46, E-36, G-44, M-28. PAFSC: 4A051 - Health Services Management Apprentice. DAS: 25 Jun 02.

b. Prior Sv: (1) AFRes 15 Feb 02 - 27 Feb 02 (13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Feb 02 for 4 yrs. Svd: 02 Yrs 06 Mo 05 Das, all AMS.

b. Grade Status: Amn - 20 May 04 (Article 15, 20 May 04)
A1C - 03 Dec 03
Amn - 03 Feb 03

c. Time Lost: None.

d. Art 15's: (1) 20 May 04, Langley AFB, VA - Article 92. You, who knew or should have known of your duties, on or about 16 Apr 04, were derelict in the performance of those duties in that you negligently failed to refrain from operating a motor vehicle while under the influence, as it was your duty to do. Reduction to Airman. Suspended forfeiture of \$200.00 pay per month for 2 months. Fourteen days extra duty. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 14 JUL 04 - Dereliction of duty for failure to report in proper uniform.
VBC, 23 APR 04 - Traffic ticket for speeding.
LOR, 18 MAR 04 - Failure to go.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (02) Yrs (06) Mos (18) Das
TAMS: (02) Yrs (06) Mos (05) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 09 Aug 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. AF IMT 100.
4. Discharge Documents.
5. Current Paycheck (Non-negotiable).
6. College Transcript and Grade Summary.
7. Memorandum for Reviewing Authorities (Prior to Discharge).

19OCT05/ia

23 AUG 2005

FD2005-00341

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved
OMB No. 0704-0004
Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C.1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one)	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)		4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		5. BOARD ACTION REQUESTED (X one)	
2004 Sep. 01		<input checked="" type="checkbox"/> HONORABLE		<input checked="" type="checkbox"/> CHANGE TO HONORABLE	
		<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS		<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS	
		<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS		<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)	
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION		BAD CONDUCT (Special court-martial only)		<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:	
Langle AFB VA 23665		UNCHARACTERIZED			
		OTHER (Explain)			

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

My discharge was inequitable because it was based on the last four months of service. Current discharge has impact my life as far as job, education + social opportunities.

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD)

AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)

DD Form 214, AF IMT 100, separation file, letters of recommendations, work confirmation letter and current paycheck (non negotiable), current school curriculum.

9. TYPE OF REVIEW REQUESTED (X one)

<input checked="" type="checkbox"/>	CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.
<input type="checkbox"/>	I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
<input type="checkbox"/>	I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state). (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

☐ SPOUSE ☐ WIDOW ☐ WIDOWER ☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ OTHER (Specify)

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)

b. TELEPHONE NUMBER (Include Area Code)

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (11 U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under and imprisoned not more than 5 years, or both.)

CASE NUMBER
(Do not write in this space.)

FD2005-00341

a. SIGNATURE

(Item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

August 09, 2005

August 18, 2005

TO WHOM IT MAY CONCERN:

With all your respect I would like to take this opportunity to request upgrade of general/under honorable conditions discharge characterization to honorable.

I strongly believe and feel that my discharge had has made a big impact in my life, I had a short amount of time to adjust myself from being an Airman, to a civilian. Without the support of family members, friends or any organization I have managed to find a job, full of wonderful people, a warm place to live, and currently attend school in the evenings. I have to be honest it was not easy, it took time but now I am very blessed and thankful to have all this big opportunities in my life.

My upgrade of discharge is very important to me. I had tried to request my military records but once again I was unsuccessful. I am providing all the information I can in order to get some positive response after trying many other ways. I ask please to be compassionate and give me an opportunity to succeed in life. I can guarantee it will be worth it and I would not stop until my goal is accomplished.

Thank sir/madam for your time and understanding.



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA

17 Aug 2004

MEMORANDUM FOR AIRMAN

FROM: 1 MDOS/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, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your discharge will be characterized as under honorable conditions (General) and you will be ineligible for reenlistment in the Air Force.

2. My reasons for this action are:

a. On 1 Mar 04, you failed to report to Honor Guard duty as required. For this incident, you received a Letter of Reprimand (LOR), dated 18 Mar 04.

b. On 16 Apr 04, you received a traffic ticket for driving 37 miles per hour in a 25 miles per hour zone. For this incident you received a verbal counseling, dated 23 Apr 04.

c. On or about 16 Apr 04, you were derelict in your duties when you failed to refrain from operating a motor vehicle while under the influence of alcohol. For this incident, you received an Article 15 with a punishment of Reduction to the grade of Airman, forfeiture of \$200 pay per month for 2 months (suspended) and 14 days extra duty.

d. On or about 8 July 04, you reported to the commander in your blues with Airman First Class stripes on your sleeves after you had been reduced in rank to the grade of Airman. For this incident, you received a LOR, dated 14 Jul 04.

e. On 10 Aug 04, your LOR dated 14 Jul 04 was placed in your UIF.

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

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 at ADC, on 18 Aug 04, at 0900 hours. 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 20 Aug 04, 1400 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 1245 hours on 19 Aug 04 for the examination.

Gold Clinic
at

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 your Orderly Room.

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

Commander, 1 MDOS

Attachments:

1. Supporting Documents
 - 1a. LOR, 18 Mar 02
 - 1b. LOC, 23 Apr 04
 - 1c. Article 15, 20 May 04
 - 1d. LOR, 14 Jul 04
 - 1e. UIF Action, 10 Aug 04
2. Receipt of Notification Memorandum