

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE UOTH	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

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

ISSUES A92.01 A94.05 A92.05 A92.17	INDEX NUMBER A67.90	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; text-align: center;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;">2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;">3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">4</td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td> </tr> </tbody> </table>	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 HE
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HEARING DATE 28 Sep 2006	CASE NUMBER FD-2006-00052	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in 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.

INDORSEMENT		DATE: 10/23/2006
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	

GENERAL: The applicant appeals for upgrade of general.

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. Applicant contends discharge was inequitable because it was too harsh. She admits to making a huge mistake on February 23, 2000 while in the Air Force. Applicant had seven years of service and has requested an upgrade of discharge based upon her outstanding service as documented by certificates of appreciation, training and Enlisted Performance Reports. The records indicated the applicant received a Summary Court Martial, an Article 15, and a Letter of Reprimand for misconduct. The Letter of Reprimand was for public intoxication. The Article 15 was for failure to go to appointed place of duty. She was disciplined with forfeiture of pay, 14 days restriction to Lackland AFB and 14 days of extra duty. The Summary Court Martial which led to her discharge was for drunk and disorderly conduct and being disrespectful to a commissioned officer. The applicant was punished with a reduction in grade to airman basic, forfeiture of pay and confinement for 30 days. 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.

Issue 2. Applicant states that her discharge did not take into account the good things she did while in the service. The DRB took note of the applicant's duty performance as documented by her performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

If she can provide additional documented information to substantiate an issue, the applicant should consider exercising her right to make a personal appearance before the Board. If she should choose to exercise her right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF F.E. Warren AFB, WY on 17 Jul 00 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 17 Aug 75. Enlmt Age: 18 3/12. Disch Age: 24 11/12. Educ: HS DIPL. AFQT: N/A. A-63, E-62, G-66, M-32. PAFSC: 3M051 - Services Journeyman. DAS: 26 Nov 98.

b. Prior Sv: (1) AFRes 29 Nov 93 - 5 Dec 93 (6 days) (Inactive).

(2) Enlisted as AB 6 Dec 93 for 4 yrs. Extended 27 Aug 96 for 10 months. Svd: 3 yrs 3 months 24 days, all AMS. AMN - 6 Jun 94. A1C - 6 Apr 95. SrA - 6 Dec 96. EPRs: 5,5,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 1 Apr 97 for 4 yrs. Svd: 03 Yrs 03 Mo 16 Das, of which AMS is 03 yrs 02 months 18 days (excludes 28 days lost time).

b. Grade Status: AB - 30 Mar 00 (Summary Court Martial, 30 Mar 00)

c. Time Lost: 3 Mar 00 thru 1 Apr 00 (28 days).

d. Art 15's: (1) 24 Feb 94, Lackland AFB, TX - Article 86. You, did, on or about 11 Feb 94, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 112, Room 301. Forfeiture of \$179.00 (7 days) pay. Fourteen days restriction to Lackland AFB, Texas, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 6 JAN 00 - Cited by Cheyenne Police Department for public intoxication and escorted back to dormitory room by police.

f. CM: Summary Court Martial - 30 Mar 00

CHARGE I: Article 89.

Specification: In that SrA [REDACTED], United States Air Force, 320th Missile Squadron, did, at Francis E. Warren AFB, Wyoming, on or about 24 Feb 00, behave herself with disrespect toward 2nd Lt [REDACTED], her superior commissioned officer, then known by the accused to be her superior commissioned officer,

by saying to him, "Fuck you; Fuck you motherfucker; Cocksucker; You bitch; You get off on this shit you sadistic bitch. Where are your balls; You four months in the war butter bar piece of shit; Do you want me to suck your dick too; I'll get you on the outside; My captains would shoot you down like a bitch; I'll have your bars, you butter bar bitch," or words to that effect.

CHARGE II: Article 134.

Specification: In that SrA [REDACTED], United States Air Force, 320th Missile Squadron, was, at or near Francis E. Warren AFB, Wyoming, on or about 24 Feb 00, drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces. Sentence adjudged on 30 Mar 00: Reduction to AB, forfeiture of \$670.00 pay, and confinement for 30 days.

g.	Record of SV:	10 Feb 97 - 9 Feb 98	Anderson AFB	5	(Annual)
		10 Feb 98 - 7 Sep 98	Anderson AFB	5	(CRO)
		08 Sep 98 - 7 Sep 99	F.E. Warren AFB	5	(Annual)

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

i. Stmt of Sv: TMS: (06) Yrs (06) Mos (21) Das
TAMS: (06) Yrs (05) Mos (14) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 Jan 06.
(Change Discharge to General)

Issue 1: I made a huge mistake the night of Feb. 23, 2000. However I had almost 7 years of above and beyond outstanding conduct. I would like to have the considered.

ATCH

1. Photo.
2. Written Statement in Response to Administrative Discharge Action.
3. Record of Trial.
4. Statement of Medical Condition.
5. Six Enlisted Performance Reports.
6. Photo.
7. Certificates of Appreciation, Certificates of Recognition, Training Certificates, and Letters of Appreciation.
8. Medical Documents.

22MAR06/ia



DEPARTMENT OF THE AIR FORCE
90TH SPACE WING (AFSPC)

MEMORANDUM FOR AB: [redacted]

24 APR 00

FROM: 320 MS/CC

M-21

SUBJECT: Notification Letter - Board Hearing

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct according to AFD 36-32 and AFI 36-3208, under the provisions of paragraph 5.50.2. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 24 Feb 00, behave yourself with disrespect toward Second Lieutenant [redacted], your superior commissioned officer, then known by you to be your superior commissioned officer, by saying to him, "Fuck you; Fuck you motherfucker; Cock-sucker; You bitch; You get off on this shit you sadistic bitch; Where are your balls; You four months in the war butter bar piece of shit; Do you want me to suck your dick too; I'll get you on the outside; My Captains would shoot you down like a bitch; I'll have your bars, you butter bar bitch," or words to that effect, in violation of Article 89, UCMJ.

b. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 24 Feb 00, were drunk and disorderly, which conduct was of a nature to bring discredit upon the armed forces, in violation of Article 134, UCMJ.

You pleaded guilty to the above charges and specifications (items a-b) at a Summary Court-Martial on 30 Mar 00. You were found guilty of all charges and specifications, and sentenced to 30 days confinement, reduction to the grade of airman basic, and forfeiture of \$670.00 pay.

c. You, at or near Cheyenne, Wyoming, on or about 24 Dec 99, displayed belligerent conduct toward Cheyenne Police Department officers and were cited by them for public intoxication. For this misconduct, you received a Letter of Reprimand (LOR), dated 6 Jan 00.

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive an under other than honorable conditions discharge. The commander exercising special court-martial jurisdiction or a higher authority will make the final decision in this matter. 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, and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own 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. Military legal counsel, at the Area Defense Counsel office, at Bldg 292, ext. 3248, has been obtained to assist you. An appointment has been scheduled for you to consult her/him on 25 APR 00 at 1315 hrs. Instead of the appointed counsel, you may have another attorney, 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.

6. Confer with your counsel and reply, in writing, within 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.

7. You have been scheduled for a medical examination. You must report to Physical Exams at 0700 hours, on 25 APR 00 for the 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 your Command Support Staff office.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

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

[Handwritten Signature]

Commander, 320th Missile Squadron

Attachments:

- 1. AF Form 2329, dated 30 Mar 00
- 2. LOR, dated 6 Jan 00