

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST, MIDDLE INITIAL)	GRADE AMN	
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TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW
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COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	X		

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

ISSUES	A92.15 A93.19 A93.01 A93.33	INDEX NUMBER	A67.90	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
				5	APPLICANT'S CONTENTIONS
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE

HEARING DATE	23 Jan 2006	CASE NUMBER	FD-2005-00257	
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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 via video teleconference between Andrews AFB, MD and St. Augustine, FL.

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: 1/24/2006
TO:	FROM:	
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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-2005-00257

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video-conference between St. Augustine, FL and Andrews AFB, MD on 23 Jan 2006. No witnesses testified on the applicant's behalf.

No additional exhibits were submitted at the hearing:

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

FINDINGS: Upgrade of discharge and change of reenlistment code are 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 her discharge was inequitable because it was based on her supervisor's personal dislike of her. The records indicated the applicant's discharge was based on an Article 15, a vacation action, three Letters of Reprimand, and two Records of Individual Counseling. In addition, her records indicate she received one Letter of Reprimand and two Letters of Counseling at her Technical Training School, which were not referenced in her discharge. The applicant raised a similar allegation to the AFWA/IG prior to her discharge. AFWA/IG found there was no discrimination based on sex, religion, or race. AFWA/IG stated "there may have been inappropriate conduct by the supervisor, but not improper conduct that would violate an identifiable directive, instruction, written policy, rule, [or] statute." AFWA/IG may have forwarded the issue to command channels (the record is not clear), but the applicant provided no evidence to show any inappropriate conduct was substantiated. Her testimony at the board hearing failed to convince the board she had been mistreated. The applicant largely admitted to the specific events which formed the basis of her discharge. Moreover, the DRB opined that through numerous administrative actions, the applicant had ample opportunities to change her negative behavior. The Board concluded the misconduct was a significant departure from the 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, including her volunteer work. The DRB noted the applicant's duty performance as documented by her one Enlisted Performance Report and her testimony to the board. 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.

Issue 3. Applicant contends that she should not be penalized indefinitely for mistakes she made when young. The DRB recognized the applicant was 21 years of age when the discharge took place. However, there is no evidence she was immature or did not know right from wrong. She enlisted at the age of 19 years and 10 months, and worked in an accounting job prior to joining the Air Force. The Board opined the applicant was older than the majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was

appropriate due to the misconduct.

Issue 4. The applicant's record suggested a problem with alcohol, including an arrest by civilian authorities for drunk and disorderly conduct and an ADAPT referral. The applicant successfully completed the ADAPT program, denies a drinking problem, and is voluntarily attending weekly Alcoholics Anonymous meetings because it provides her with a positive support group. The DRB concluded the applicant's use of alcohol did not render the characterization of her discharge inappropriate.

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 AMN) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GFM Disch fr Offutt AFB, NE on 02 Aug 02 UP AFI 36-3208, para 5.50.2 - (Pattern of act Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 13 Nov 80. Enlmt Age: 19 10/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-63, E-52, G-46, M-30. PAFSC: 2S031 - Supply Management Apprentice. DAS: 04 Jun 01.

b. Prior Sv: (1) AFRes 18 Sep 00 - 03 Oct 00 (16 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 04 Oct 00 for 4 yrs. Svd: 01 Yrs 09 Mo 29 Das, of which AMS is 01 yr 09 months 28 days (excludes 1 day lost time).

b. Grade Status: Amn - 08 May 02 (Article 15, 08 May 02)
A1C - 12 Nov 00

c. Time Lost: 13 Feb 02 thru 14 Feb 02 (1 day).

d. Art 15's: (1) 26 Jun 02, Vacation, Offutt AFB, NE - Article 86. You, who knew of your duties, on divers occasions, between on or about 1 May 02 and on or about 31 May 02, were derelict in the performance of those duties in that you willfully duplicated Forms 64, instead of locating the original Forms 64, as it was your duty to do. Eleven days extra duty. (No appeal) (No mitigation)

(2) 08 May 02, Offutt AFB, NE - Article 86. You, did, on or about 18 Apr 02, without authority, go from your appointed place of duty. Article 92. You, who knew of your duties, on or about 18 Apr 02, were derelict in the performance of those duties in that you willfully failed to secure the XPR Supply Store upon leaving, as it was your duty to do. You, having knowledge of a lawful order issued by , to keep him informed of your whereabouts at all times, an order which it was your duty to obey, did, on or about 18 Apr 02, fail to obey the same by leaving the XPR Supply Store without notifying . Reduction to Airman. Fourteen days extra duty (all but 3 days suspended). Reprimand. (No appeal) (No mitigation)

- e. Additional: RIC, 02 JUN 04 - Not prepared to take CDC End of Course Exam.
LOR, 12 JUN 02 - Disrespect to an NCO.
LOR/CR/UIF, 22 FEB 02 - Pattern of Misconduct (Assault, Disorderly Conduct...)
RIC, 19 DEC 01 - Dereliction of duty.
LOR, 02 AUG 01 - Failure to obey a lawful order.
- f. CM: None.
- g. Record of SV: 05 Oct 00 - 04 Jun 02 Offutt AFB 1 (Initial)**REF**
- h. Awards & Decs: AFTR, NDSM, AFOUA.
- i. Stmt of Sv: TMS: (01) Yrs (10) Mos (15) Das
TAMS: (01) Yrs (09) Mos (29) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01 May 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Documents Concerning Disciplinary Actions & Responses.
3. Enlisted Performance Reports.
4. Notification Memorandum.
5. Complaint Referral.
6. Ten Character References.
7. Letter of Appreciation.
8. Three Certificates of Appreciation.
9. Training Certificate.

22AUG05/ia

27 June 2005

To Whom It May Concern:

I'm requesting an upgrade of my discharge. My discharge was inequitable because it was based on a personal dislike of me and no letter and attached documentation, I hope was and why I deserve an upgrade.

The documentation compiled in the "No performance or abilities during my time the circumstances surrounding events that Although some of these actions have a basis in truth, most were blown way out of proportion to justify my discharge.

All the documentation I've attached to this package was written at the exact time of the incident. I have highlight items I believe are of special interest and have made comments on those pages.

I would also like to point out that I made many requests to be transferred either to another section or another unit in an effort to prove myself and save my career, but those requests were turned down. I didn't have a problem before I came to this unit. I wasn't given a fair chance.

While assigned to AFWA I was cussed at by my supervisor, harassed by my commander, followed by members of the unit, and constantly told I was no good. I wasn't given proper training and I was never liked. This caused me great stress. I accept responsibility for my actions but I shouldn't be punished for their mistakes or dislike of me. I stopped fighting for my career when it became obvious to me that there was no one who would give me the opportunity to show what I could do. They beat me down until my only option was to leave with whatever dignity I had left.

I would appreciate your thoughtful consideration of my request. Your work is greatly appreciated.

Sincerely

Attachments:

1. LOR dated 2 Aug 01

2. Response to LOR date 5 Aug 01
3. Memo for Record dated 5 Dec 01
4. Memo for Record dated 15 Dec 01
5. LOR dated 22 Feb 02
6. LOR/Control Roster dated 22 Feb 02
7. Memo for Record dated 21 Mar 02
8. Record of Individual Counseling dated 4 Jun 02
9. Letter of Reprimand dated 12 Jun 02
10. Referral EPR dated 12 Jun 02
11. EPR dated 12 Jun 02
12. Response to LOR dated 14 Jun 02
13. Record of Vacation Action dated 19 Jun 02
14. Response to Vacation Action dated 21 Jun 02
15. Letter of Notification dated 12 Jul 02
16. Statement to Change Discharge dated 14 Jul 02
17. Memo for Record dated 26 Jul 02
18. Complaint Referral dated 29 Jul 02
19. Volunteer Activity List, Jun 01 – Feb 02
20. Character Statements
21. Certificates



FD 2005-00257

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, 55TH WING (ACC)
OFFUTT AIR FORCE BASE, NEBRASKA

12 JUL 2002

MEMORANDUM FOR Amn

, AFWA (ACC)

FROM: AFWA/CCQ

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct--Pattern of Misconduct. The authority for my recommendation is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. 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. On 26 July 2001, you failed to obey a lawful order by going from your appointed place of duty and leaving the supply office unattended. For this incident you received a Letter of Reprimand, dated 2 August 2001. (Atch 1-1)

b. On 13 December 2001, you failed to obey a lawful order by leaving the supply office unattended. For this incident you received a Letter of Counseling, dated 19 December 2001. (Atch 1-2)

c. Between 15 January 2002 and 22 February 2002, you were derelict in the performance of your duties by not completing your monthly card statement in a timely manner; on 13 February 2002 you assaulted another airman and you were drunk and disorderly which caused you to be placed in civilian confinement; on 22 February 2002, you failed to go to your appointed place of duty; and on 22 February 2002, you were insubordinate toward a noncommissioned officer. For these incidents you received a Letter of Reprimand, dated 22 February 2002. In addition, you were placed on a Control Roster, dated 22 February 02, with this action. (Atch 1-3)

d. On 18 April 2002, you left your appointed place of duty and twice failed to obey a lawful order. For these incidents you received an Article 15, dated 8 May 2002, with reduction to the rank of Airman, 14 days extra duty, of which all but three (3) days suspended thru 7 November 2002, and a reprimand. (Atch 1-4)

e. On 29 May 2002, you were not prepared to take your CDC test and therefore it had to be rescheduled. For this incident you received a Letter of Counseling, dated 2 June 2002. (Atch 1-5)

f. On 11 June 2002, you were disrespectful in language and deportment toward a noncommissioned officer. For this incident you received a Letter of Counseling, dated 12 June 2002. (Atch 1-6)

g. On 19 June 2002, you were derelict in the performance of your duties for unauthorized duplication of forms. For this incident you received a Vacation of Nonjudicial Punishment, dated 26 June 2002, consisting of eleven (11) extra duty days. (Atch 1-7)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial 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 reenlistment in the Air Force and probably any other branch of the military.

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 _____ 3ldg 323C, Room 302, Phone 4-3939, at 1000 on 15 July 02. 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 by 17 JUL 02 at 0830 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 on 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 55th Medical Group, Red team, at 0915 on 12 July 02 for the examination. Please pick up your medical records prior to your appointment.

8. You have been scheduled for an initial separation appointment. You must report to the 55th Mission Support Squadron, Separations and Retirements Section, Room 235, Bldg 323C, at 1300 on 12 Jul 02 with your escort.

9. You have been scheduled for a pre-separation briefing. You must report to the Family Support Center at _____ on _____ for the briefing.

10. 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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11. Execute the acknowledgment provided and return it to me immediately.

, Capt, USAF
Commander, Headquarters Section

Attachments:

- Atch 1-1; LOR, dated 2 Aug 01
- Atch 1-2; LOC, dated 19 Dec 01
- Atch 1-3; LOR, dated 22 Feb 02
- Atch 1-4; NJP, dated 18 Apr 02
- Atch 1-5; LOC, dated 2 Jun 02
- Atch 1-6; LOC, dated 12 Jun 02
- Atch 1-7; Vac, dated 8 May 02