

| AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD | | | | | | | | | |
|---|--|-------------------------------------|--|--|---|-----|---------------|-------|------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) | | | | | GRADE | | AFSN/SSAN | | |
| | | | | | SRA | | | | |
| TYPE GEN | | PERSONAL APPEARANCE | | | X | | RECORD REVIEW | | |
| 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 | | INDEX NUMBER | | | EXHIBITS SUBMITTED TO THE BOARD | | | | |
| A94.06 | | A67.10 | | | 1 ORDER APPOINTING THE BOARD | | | | |
| A93.07 | | | | | 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 | | | | |
| HEARING DATE | | CASE NUMBER | | | | | | | |
| 20 Jun 2006 | | FD-2005-00274 | | | | | | | |
| APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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. | | | | | | | | | |
| Names and votes will be made available to the applicant at the applicant's request. | | | | | | | | | |
| SIGNATURE OF RECORDER | | | | | SIGNATURE OF BOARD PRESIDENT | | | | |
| | | | | | | | | | |
| INDORSEMENT | | | | | DATE: 6/20/2006 | | | | |
| 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 | | | | |

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00274

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB). The applicant scheduled a personal appearance but failed to attend, so the Board heard the case in her absence.

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

FINDINGS: The Board grants the requested relief.

ISSUE:

Issue 1. Applicant contends discharge was improper because her former spouse is responsible for the actions that took place. The records indicated the applicant received three Letters of Counseling (LOCs) for financial irresponsibility, an unspecified domestic disturbance, absence from duty and missed appointments. It was unclear whether the applicant received permission to be absent from duty or to miss these appointments. A fourth letter counseled the applicant not to request excessive time off. The records also indicate the respondent married her former spouse during the enlistment in question. While the information on record does not directly contradict the applicant's claim that her former spouse is responsible for the offenses, the applicant provided no evidence to support her claim. The Board found no impropriety in the case.

Issue 2. The applicant cited her desire to move on with her life in a positive light, and the difficulty of finding employment with a general discharge. The Board was sympathetic to the impact of the discharge on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

Issue 3. On its own initiative, the Board found a general discharge to be too harsh after considering the conduct of the applicant and the responses taken by her chain of command. One of the LOCs was not disciplinary in nature and documented no misconduct by the applicant. While the misbehavior of the applicant and her undistinguished duty performance warranted discharge, the Board found an honorable service characterization to be more appropriate. The Board noted the applicant's chain of command failed to utilize progressively more serious disciplinary responses to the applicant's behavior. This could have led the applicant to believe her actions were not considered to be serious. In addition, the LOCs provided scant detail about the underlying incidents. The LOCs appeared to have been written after the fact as a way of justifying discharge, rather than being used as a rehabilitative tool. One of the LOCs notes that the squadron section commander had previously recommended discharge, but was rebuffed. The LOC regarding a domestic disturbance gave no information about the severity of the disturbance, its impact, or even the applicant's involvement. The only misconduct on the part of the applicant clearly shown by the record comprised one bad check and one missed dental appointment. The Board also considered the fact the applicant served for 2 years and 4 months prior to her first infraction. Despite the broad authority of commanders over administrative discharges, the Board found a general discharge to be too harsh in this case, given the meager record of misconduct.

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 the

applicant's service is more accurately reflected by an Honorable discharge. 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 SRA) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Scott AFB, IL on 19 Jul 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 26 May 70. Enlmt Age: 19 5/12. Disch Age: 23 1/12. Educ: HS DIPL. AFQT: N/A. A-76, E-48, G-52, M-12. PAFSC: 90650 - Health Services Management Support Specialist. DAS: 12 Oct 90.

b. Prior Sv: (1) AFRes 26 Oct 90 - 01 Feb 90 (3 months 6 days)(Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 02 Feb 90 for 6 yrs. Svd: 03 Yrs 05 Mo 18 Das, all AMS.

b. Grade Status: SrA - 10 Sep 92
A1C - 21 Mar 90

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOC, 27 MAY 93 - Domestic disturbance.
LOC, 21 JAN 93 - Loud music coming from quarters.
LOC, 21 JAN 93 - Failure to keep scheduled appointments.
LOC, 21 JAN 93 - Leaving place of residence when placed on quarters.
LOC, 19 OCT 92 - Financial irresponsibility.
LOC, 29 JUN 92 - Requesting excessive number of days off to take care of personal problems.

f. CM: None.

g. Record of SV: 02 Feb 90 - 01 Oct 91 Scott AFB 3 (Initial)
02 Oct 91 - 30 Apr 92 Scott AFB 3 (CRO)
31 Mar 92 - 01 Dec 92 Scott AFB 2 (CRO) **REF**

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (08) Mos (24) Das
TAMS: (03) Yrs (05) Mos (18) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 05 Jul 05.

(Change Discharge to Honorable)

Issue 1: This discharge was improper because my spouse (at the time) is responsible for the actions that took place. I am no longer married to this individual (have been separated since 1/6/96 & divorced since 2000. I would like to move on with my life in a positive light. Also, I am applying for a correctional officer position in the county in which I live. I have since been remarried and would like to have a new start on life.

ATCH

1. Divorce Decree.

11AUG05/ia

FROM: USAF Medical Center Scott/SGQ

21 JUN 1993

SUBJ: Notification Letter

TO:

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation of discharge is approved, your service may 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 May 1993, you were engaged in a domestic disturbance at your place of residence and failed to return to your duty section at the appropriate time. For this action you received a Letter of Counseling (LOC) dated 27 May 1993.

b. Numerous complaints received concerning loud noise coming from your quarters, for which you received a LOC dated 21 Jan 93.

c. Failure to keep scheduled appointments with base agencies for which you received a LOC dated 21 Jan 93.

d. Leaving your place of residence when placed on quarters for which you received a LOC dated 21 Jan 93.

e. On 12 Dec 92, you uttered check #375, in the amount of \$412.10, to Harter's Hobby House on an account you closed on 3 Sep 92.

f. Failing to manage your finances for which you received a LOC dated 19 Oct 92.

g. Requesting an excessive number of days off to take care of personal problems for which you received a LOC dated 29 June 1992.

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 reenlistment 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 with the Area Defense Counsel,

Capt. [redacted], Building P-7, on 22 Jun 93, at 1400 hours. You may consult civilian counsel at your own expense.

5. You have been scheduled for a medical examination. You must report to USAF Medical Center Scott, Physical Examinations Section, at 0730 0715 on 22 Jun 93 for the examination.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 24 Jun 93/1200 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. 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.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Attachment 2. A copy of AFR 39-10 is available for your use in the squadron orderly room.

[redacted]

Commander, Medical Squadron Section

5 Atch

1. LOC dated 27 May 93
2. LOC dated 21 Jan 93
3. Atty ltr w/copy of bad
chk dated 29 Jan 93.
4. LOC dated 19 Oct 92
5. LOC dated 29 June 92