

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST, MIDDLE INITIAL)	GRADE  <b>A1C</b>	
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<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>								
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><b>COUNSEL</b></td> <td style="width:50%;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td> <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;"><b>X</b></td> </tr> </table> </td> <td>ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> </table>		<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	<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;"><b>X</b></td> </tr> </table>	YES	No		<b>X</b>	ADDRESS AND OR ORGANIZATION OF COUNSEL		
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YES	No										
	<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>INDEX NUMBER</b>	<b>A67.10</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>14 Feb 2006</b>	<b>CASE NUMBER</b>	<b>FD-2005-00328</b>
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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.

Names and votes will be made available to the applicant at the applicant's request.

SIGNATURE OF RECORDER \_\_\_\_\_ SIGNATURE OF BOARD PRESIDENT \_\_\_\_\_

<b>INDORSEMENT</b>		<b>DATE: 2/15/2006</b>
<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	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00328**

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, MD, on 14 Feb 2006.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Character reference letters dated 23 Jan 06 and 1 Feb 06

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

**FINDINGS:** The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's characterization of discharge inequitable.

**ISSUE:** Applicant received a general discharge for misconduct – minor disciplinary infractions

Applicant contends discharge was inequitable because it was too harsh and the DRB concurred. Although the records indicated the applicant received an Article 15, four Letters of Reprimand, three Letters of Counseling, four Records of Individual Counseling, four Records of Verbal Counseling, and two Memorandums for Record, the DRB noted that the majority of these were for tardiness and financial irresponsibility, and the vast majority of them occurred after the birth of her child. Testimony revealed that after the applicant's child was born, she was forced to move out of the dormitory into an off-base apartment 20-30 minutes from the base as there was no base housing available. Since applicant had no privately owned vehicle, her main mode of transportation became expensive commercial taxis. The DRB was concerned that the applicant was now a single parent living off base with limited resources and multiple obligations and there was no apparent effort on applicant's chain of command to assist her; rather, it appeared they were loading up to effect her separation. The applicant contended that discrimination was practiced by her supervisors and, although there was no documentary evidence to support her claim, the DRB noted that over half of her documented misconduct occurred during a two month period between her filing a complaint with the Social Actions office 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 applicant's characterization should be changed to Honorable under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief

(Former A1C) (HGH A1C) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Dish fr McGuire AFB, NJ on 22 Feb 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 8 Feb 05.

b. The AFDRB reviewed case on 15 Jul 05 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 11 Aug 05. (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

Atch

None.

18OCT05/ia

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 McGuire AFB, NJ on 22 Feb 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 25 Aug 75. Enlmt Age: 17 6/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-70, E-39, G-37, M-27. PAFSC: 3S031 - Personnel Apprentice. DAS: 18 Feb 94.

b. Prior Sv: (1) AFRes 17 Mar 93 - 22 Sep 93 (6 months 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Sep 93 for 4 yrs. Svd: 2 Yrs 5 Mo 0 Das, all AMS.

b. Grade Status: Amn - 23 Jan 96 (Art 15, 23 Jan 96)  
A1C - 23 Jan 95  
Amn - 23 Mar 94

c. Time Lost: None.

d. Art 15's: (1) 23 Jan 96, McGuire AFB, NJ - Article 86. You, did, on or about 16 Jan 96, without authority, fail to go at the time prescribed to building 2916, at 0700 hours for your scheduled CDC review session. Article 86. You, did, on or about 18 Jan 96, without authority, fail to go at the time prescribed to building 2916, at 0700 hours, the official start of your duty day. Reduction to Airman. (Appeal/Denied) (No mitigation)

e. Additional: VBC, 19 JAN 96 - Late for appointment.  
VBC, 18 JAN 96 - Not wearing proper uniform.  
LOR, 16 JAN 96 - Failure to follow instructions.  
LOR, 08 JAN 96 - Dereliction of duty.  
LOC, 18 DEC 95 - Late for duty.  
LOR, 18 DEC 95 - Late for duty.  
RIC, 27 NOV 95 - Missing mandatory appointment.  
RIC, 17 NOV 95 - Dereliction of duty.  
LOC, 18 SEP 95 - Negligence of assigned duties.  
VBC, 24 AUG 95 - Financial irresponsibility.  
LOC, 11 SEP 95 - Financial irresponsibility.  
LOR, 14 JUN 95 - Failure to follow instructions.  
MFR, 18 APR 95 - Lack of responsibility concerning a Family Care Program.

RIC, 30 NOV 94 - Late for work.  
 RIC, 23 SEP 94 - Late for work.  
 VBC, 30 JUN 94 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 23 Sep 93 - 22 May 95 McGuire AFB 2 (Initial)REF  
 23 May 95 - 26 Sep 95 McGuire AFB 2 (CRO)REF

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (11) Mos (6) Das  
 TAMS: (2) Yrs (5) Mos (0) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 28 Nov 04.  
 (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Judge Advocate Review.
3. Dependent Care Certification.
4. Response to Letter of Reprimand, 19 Jun 95.
5. DD Form 214.
6. State of Georgia Department of Corrections Performance Management Planning Form.
7. Letter of Reprimand.
8. Certificate of Training.
9. Certificate of Achievement.
10. Certificate of Training.
11. Performance Appraisal.
12. Three Character References.
13. Certificate of Appreciation.
14. Certificate of Training.
15. College Transcript.
16. Two Certificates of Appreciation.
17. College Transcript.
18. Honor Roll Certificate.
19. Attendance Certificate.
20. Honor Roll Certificate.
21. Two Certificates of Achievement.
22. Report of Academic Skills.

8FEB05/ia



DEPARTMENT OF THE AIR FORCE  
305TH AIR MOBILITY WING (AMC)

2 Feb 96

MEMORANDUM FOR Amr, 305 MSS

FROM: 305 MSS/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 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as general under honorable conditions.
2. My reasons for this action are:
  - (a) On or about 30 Jun 94, you uttered a check to the Army and Air Force Exchange Service in the amount of \$65.00 that was returned for nonsufficient funds. For this, you were verbally counseled.
  - (b) On or about 30 Nov 94, you were not present for duty at the prescribed time. For this, you received a Letter of Counseling.
  - (c) On or about 9 Dec 94 and 12 Dec 94, you were not present for duty at the prescribed time. For this, you received a Letter of Counseling.
  - (d) On or about 18 Apr 95, you were found not to have an adequate family care plan on file as required by AFI 36-2908. For this, you were verbally counseled.
  - (e) On or about 15 May 95, you were found not to have an adequate family care plan on file as required by AFI 36-2908. For this, you were verbally reprimanded and prohibited from going on leave or TDY.
  - (f) On or about 12 Jun 95, you were found in your duty section after being ordered to quarters due to illness. For this, you received a Letter or Reprimand.
  - (g) From on or about 28 Aug 95-11 Sep 95, you engaged in a pattern on negligence in the performance of your assigned duties. For this, you received a Letter of Counseling.
  - (h) On or about 23 Aug 95, the First Sergeant received a "past due" notice from your AAFES Deferred Payment Plan, dated 10 Aug 95. For this, you were verbally counseled.
  - (i) On 29 Aug 95, the First Sergeant received a complaint from American General Finance that you were two months delinquent on an outstanding loan through that institution. For this, you received a Letter of Counseling.

(j) On or about 17 Nov 95, you engaged in a pattern of negligence in the performance of your assigned duties. For this, you received a Letter of Counseling.

(k) On or about 27 Nov 95, you were found not to have an adequate family care plan in place as required by AFI 36-2908. For this, you received a Letter of Counseling.

(l) On or about 14 Dec 95, you were not present for duty at the prescribed time. For this, you received a Letter of Counseling.

(m) On or about 15 Dec 95, you were not present for duty at the prescribed time. For this, you received a Letter of Reprimand.

(n) On or about 8 Jan 96, you engaged in a pattern of negligence in the performance of your assigned duties. For this, you received a Letter of Reprimand.

(o) On or about 12 Jan 96, you were found not to have an adequate family care plan in place as required by AFI 36-2908. This was evident by you bringing your child to work due to no available day care. For this, you received a Letter of Reprimand, were placed on the Control Roster and had an Unfavorable Information File (UIF) established.

(p) On or about 16 Jan 96 and 18 Jan 96, you failed to report to your place of duty at the prescribed time. For this, you received punishment according to Article 15, UCMJ consisting of a reduction to your current grade of Airman.

(q) On or about 18 Jan 96, you were late in reporting to a 1545 appointment with the First Sergeant to preview the procedures for a 1600 Article 15 appointment with the commander. This resulted in your being late for the 1600 appointment with the commander. For this, you were verbally reprimanded.

(r) On or about 18 Jan 96, you failed to report for an Article 15 appointment with the commander in service dress, as directed. For this, you were verbally reprimanded by the commander.

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, and if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

3. 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 Ozbek at building 2906 on 6 Feb 96 at 0900. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your behalf. Any statements you want the separation authority to consider must reach me by 7 Feb 96 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 matters 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 Walson Air Force Hospital on Fort Dix at 0745 on 5 Feb 96 for the examination.

7. Any personal information you furnish in your rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, is available for your use in the squadron orderly room.

Commander , Lt Col, USAF

19 Attachments

1. AAFES Dishonored Check Notification, 9 Aug 94
2. Letter of Counseling, 30 Nov 94
3. Letter of Counseling, 13 Dec 94
4. Memo for the Record, 18 Apr 95
5. Letter of Notification, 15 May 95
6. Letter of Reprimand, 14 Jun 95
7. Delinquent AAFES DPP Notice, 10 Aug 95
8. Letter of Counseling, 11 Sep 95
9. Letter of Counseling, 18 Sep 95
10. Letter of Counseling, 17 Nov 95
11. Letter of Counseling, 27 Nov 95
12. Letter of Counseling, 18 Dec 95
13. Letter of Counseling, 18 Dec 95
14. Letter of Reprimand, 8 Jan 96
15. Letter of Reprimand, 16 Jan 96
16. AF Form 3070, Record of Nonjudicial Punishment Proceedings, 18 Jan 96
17. Memo for the Record, 18 Jan 96
18. Memo for the Record, 19 Jan 96
19. Enlisted Performance Reports (2)