

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [] | GRADE AB | AFSN/SSAN [] |
|---|------------------------|-----------------------------|

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|-----------------|----------------------------|----------|----------------------|
| TYPE GEN | PERSONAL APPEARANCE | X | 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 | UOHC | OTHER | DENY |
| [] | | | | | X* |
| | | | | | X* |
| | | | | | X* |
| | | | | | X* |
| | | | | | X* |

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| ISSUES A94.05 A93.09 | 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 |
| | | COUNSEL'S RELEASE TO THE BOARD |
| | | ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE |
| | | TAPE RECORDING OF PERSONAL APPEARANCE |

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| HEARING DATE 28 Jul 2006 | CASE NUMBER FD-2005-00410 | |
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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.

*Reason and Authority

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|---|--|
| SIGNATURE OF RECORDER [Signature] | SIGNATURE OF BOARD PRESIDENT [Signature] |
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| INDORSEMENT | DATE: 7/31/2006 |
| 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-2005-00410

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

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. The records indicated the applicant received an Article 15 and two Letters of Reprimand for misconduct. In reverse order of occurrence, the Letters of Reprimand were for having an unescorted person found in her dormitory room, unauthorized travel out of the area, disrespect to a Noncommissioned Officer and insubordination. The Article 15 was for theft. She was reduced in grade to airman basic, suspended forfeiture of pay and restriction to the limits of Little Rock AFB 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.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Little Rock AFB, AR on 19 Aug 05 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the Reason and Authority for Disch.

2. **BACKGROUND:**

a. DOB: 24 Jan 83. Enlmt Age: 20 6/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-52, E-36, G-40, M-26. PAFSC: 1C032 - Aviation Resource Management Apprentice. DAS: 19 Mar 04.

b. Prior Sv: (1) AFRes 11 Aug 03 - 2 Dec 03 (3 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Dec 03 for 4 yrs. Svd: 01 Yrs 08 Mo 17 Das, all AMS.

b. Grade Status: AB - 29 Jun 05 (Article 15, 29 Jun 05)
A1C - Unknown
Amn - 3 Jun 04

c. Time Lost: None.

d. Art 15's: (1) 29 Jun 05, Little Rock AFB, AR - Article 107. You, did, on or about 20 May 05, with intent to deceive, sign an official statement, to wit: "I have never stolen anything or taken anything without one's permission," which statement was false in that you stole a shirt and towel, on or about 20 May 05, at or near Building 854, and was then known by you to be so false. Article 121. You did, on or about 20 May 05, steal a towel, of some value, the property of A1C [redacted]; You, did, on or about 20 May 05, steal a shirt, of some value, the property of A1C [redacted]; Reduction to AB. Suspended forfeiture of \$617.00 pay. Restriction to the limits of Little Rock AFB, AR, for 30 days. Thirty days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 10 JAN 05 - Unescorted person found in dorm room. Boyfriend found in room unescorted and smoking. Hair out of standards. Insubordinate to an NCO. Unauthorized travel out of the area and late for work upon return.

LOR, 13 JAN 05 - Disrespect to an NCO and insubordination.

- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: GWOTSM, AFOUA W/1 OLC, AFTR, NDSM.
- i. Stmt of Sv: TMS: (02) Yrs (00) Mos (09) Das
TAMS: (01) Yrs (08) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 25 Oct 05.
(Change Discharge to Honorable, and Change the Reason and Authority for Discharge)

Issue 1: My discharge was inequitable because it was based on incidents that happen to be probable. I had probable casue for my actions. My work environment was great, it was my personal life I was trying to maintain. Furthermost (sic), I was trying to adjust to military. In doing that I failed, because of personal problems. My actions were intolerable due to the lack of depression and an abusive relationship in which I was seeking outside help.

ATCH

None.

29NOV05/ia



DEPARTMENT OF THE AIR FORCE
62 AIRLIFT SQUADRON
LITTLE ROCK AFB, ARKANSAS 72099

MEMORANDUM FOR AB:

14 JUL 2005

FROM: 62 AS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. On or about 28 December 2004, you left the local area and traveled to Houston, Texas, without requesting or receiving approved leave. You reported late to work the following day because of your unapproved travel. On or about 7 January 2005, you failed to escort a visitor to your dorm room. Specifically, your boyfriend was found smoking and alone in your dorm room. In addition, you were briefed in December 2004 about your style of hair being out of regulations. When your supervisor again addressed your hair being out of standards in January 2005, you were insubordinate. For your misconduct, you received a Letter of Reprimand (LOR) on 10 January 2005 (Attachment 1-1).

b. On or about 13 January 2005, you were unprofessional in your behavior towards your supervisor. Additionally, you displayed questionable behavior by refusing to sign your 623A training entry for the day. For your actions, you received a LOR dated 13 January 2005 (Attachment 1-2).

c. On or about 20 May 2005, you made a false official statement and you stole the personal property of two different airmen. Specifically, you stole a towel of a fellow Airman First Class and a shirt from another Airman First Class and then, with intent to deceive, signed an official statement that you had never stolen anything or taken anything without permission. For your misconduct, you received nonjudicial punishment under Article 15 of the Uniform Code of Military Justice dated 29 June 2005 (Attachment 1-3), consisting of reduction to the grade of Airman Basic, suspended forfeiture of \$617.00 pay, 30 days restriction to base, 30 days extra duty, and a reprimand.

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 United States 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 and any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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 the Area Defense Counsel at Little Rock AFB, on 15 July 2005, at 0930 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 1530L 19 JUL 05 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 in your own behalf, your failure will constitute a waiver of your right to do so.
7. You are scheduled for the following appointments. You must first report to the Military Personnel Flight, Separations Section, located at 1255 Vandenberg Blvd, Room 100 on 18 July 2005 at 1000 hours. You must then report to the Medical Clinic, located at 1090 Arnold Drive at 1200 hours on 18 July 2005 for your examination with Dr. [REDACTED]. You must fast 14 hours prior to the examination and may drink only water during that time. You must not smoke 14 hours prior, nor may you consume alcohol 72 hours prior to your examination. If you wear glasses, bring them with you. If you wear contact lenses, bring a container to store them in during your eye 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 at the orderly room.
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]

Commander

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum w/Recoupment Statement