

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN
[REDACTED]		A1C	[REDACTED]

TYPE GEN	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE	RECORD REVIEW
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COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	<input checked="" type="checkbox"/>		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHIC	OTHER	DENY
[REDACTED]	X+				
[REDACTED]	X+				
[REDACTED]	X+				
[REDACTED]					X
[REDACTED]					X

ISSUES	A42.00 A93.31	INDEX NUMBER	A67.50	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

HEARING DATE	27 Jun 2006	CASE NUMBER	FD-2005-00427
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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.

+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
[REDACTED]	[REDACTED]

INDORSEMENT		DATE: 6/29/2006
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-2005-00427**

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 27 June 2006.

The following additional exhibits were submitted at the hearing:

Exhibit #5: 3 Character Reference Letters

Exhibit #6: Business Certificate (New Hope Surrogacy Center)

Exhibit #7: Appointment Letter as College Senator

Exhibit #8: Ohio State University grades

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 reason and authority for discharge inequitable.

**ISSUES:**

Issue 1. Applicant contends discharge was inequitable because she was discharged while the other party involved with her in an adulterous relationship was not discharged. The Council did not agree that this demonstrated an inequity. The other individual may have had a very different service record from the applicant. The applicant's record was filled with documented episodes of interpersonal conflict and insubordination that disrupted her unit.

Issue 2. Although the applicant did not argue the following point, the DRB granted an upgrade based upon the applicant's mental health issues and the peculiar form the unit's rehabilitative efforts took. The applicant's tragic history of sexual abuse as a child obviously severely affected her mental and emotional well-being and rendered her incapable of adapting to the needs of the military. While her medical records did not quite provide all the evidence which would have supported a mental health discharge, there was no doubt in any of the DRB member's minds that her issues significantly impaired her ability to perform her duties. Additionally, her unit repeatedly verbally counseled her for multiple infractions and did not utilize appropriately graduated disciplinary tools in a timely fashion. It appeared to the Council that the unit's failure to utilize an increasingly severe response to recurrent misconduct had the effect of leading the applicant to believe that there would be no serious response to her misconduct. The unit kept voluminous memos for record concerning her behavior, but did not properly document those events at the time they occurred and failed to take rapid disciplinary action. Instead they waited until there was an overwhelming mass of evidence documenting the interpersonal conflicts the respondent generated and then used that evidence to discharge her. Under the highly unusual facts of this case, the DRB unanimously concluded that the respondent's mental health issues significantly contributed to her problems dealing with superiors and co-workers. The majority of the DRB also believed her unit did not properly respond to her disciplinary infractions. The DRB concluded the equitable course of action was to upgrade the respondent's discharge to honorable and change the reason for the discharge to Secretarial Authority.

The Board concludes that the overall quality of applicant's service is more accurately reflected by an Honorable service characterization and the reason for the discharge is more accurately described as Secretarial Authority. The applicant's service characterization should be changed to Honorable and the reason for discharge should be changed to Secretarial Authority 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 A1C) (HGH A1C)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Falcon AFB, CO on 27 Jun 97 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

**2. BACKGROUND:**

a. DOB: 3 Nov 96. Enlmt Age: 18 6/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-90, E-86, G-94, M-74. PAFSC: 3C031 - Communications Computer Systems Programming Apprentice. DAS: 5 Jan 96.

b. Prior Sv: (1) AFRes 25 May 95 - 26 Jul 95 (2 months 2 days) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Jul 95 for 4 yrs. Svd: 02 Yrs 11 Mo 02 Das, all AMS.

b. Grade Status: A1C - 27 Nov 96  
Amn - Unknown

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 20 MAY 97 - Disrespect to an NCO.  
LOC, 02 APR 97 - Unprofessional relationship.  
MFR, 25 FEB 97 - Failure to go.  
LOC, 25 OCT 96 - Unprofessional relationship.  
LOR, 13 SEP 96 - Disrespect to a commissioned officer.  
MFR, 30 AUG 96 - Leaving the duty section without authority.  
LOC, 30 AUG 96 - Failure to obey a lawful order.  
LOA, 16 JUL 96 - Creating a stressful and distrusting work environment.

f. CM: None.

g. Record of SV: 27 Jul 95 - 26 Mar 97 Falcon AFB 2 (Initial) **REF**

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (01) Mos (03) Das  
TAMS: (02) Yrs (11) Mos (02) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 31 Oct 05.  
(Change Discharge to Honorable)



DEPARTMENT OF THE AIR FORCE

50TH SPACE WING (AFSPC)



MEMORANDUM FOR 50 SW/CC

FROM: 50 SW/JA

SUBJECT: Legal Review of Administrative Discharge- Airman First Class [redacted]  
[redacted]

1. We have reviewed Airman First Class [redacted] discharge file and find sufficient basis for discharge under AFI 36-3208, Administrative Separation of Airmen, paragraph 5.50.2, Pattern of Misconduct.
2. A1C [redacted] commander, Lt Col [redacted] initiated administrative discharge action under the appropriate provisions of AFI 36-3208, paragraph 5.50.2 on 22 May 1997. Tab 6. A1C [redacted] was notified and receipted for this action on the same date. Tab 5. On 23 May 1997, after consulting Captain [redacted] the area defense counsel, A1C [redacted] waived her right to submit statements regarding this discharge action. Tab 4.
3. Lt Col [redacted] recommends A1C [redacted] be discharged with a General, under honorable conditions, discharge. Tab 3. His recommendation is based on A1C [redacted] continued disciplinary problems and her failure to correct her behavior after administrative action was taken. In addition, Lt Col [redacted] does not recommend probation and rehabilitation since he has given A1C [redacted] numerous chances to correct her behavior and become a productive member of the Air Force. Despite these efforts, A1C [redacted] continues to fail to meet standards.
4. As the Special Court-Martial Convening Authority, you may:
  - a. recommend that the General Court-Martial Convening Authority direct that the airman be given an Honorable Discharge, with or without probation and rehabilitation, if you believe that the quality of this airman's service generally has met Air Force standards of acceptable conduct and performance of duty or is otherwise so meritorious that any other characterization would be inappropriate;
  - b. direct that the airman be given a General, under Honorable Conditions Discharge, with or without probation and rehabilitation, if you believe the airman's service has been honest and faithful, but there are significant negative aspects of her conduct or performance of duty that outweigh positive aspects of her military record;
  - c. convene a discharge board to consider whether the airman be given an Under Other Than Honorable Conditions Discharge, with or without probation and

Issue 1: My discharge was inequitable because it was based on inaccurate or misleading information. I was also given a poor review as a result of an incident involving someone else who was not treated in the same manner. Small incidents were inaccurately recorded and work performance was not considered. I was instructed that accepting a general discharge was the same as honorable and would not affect my G.I. Bill. I have now learned that this is not the case. Despite paying \$1,200.00 for my G.I. Bill, I will not be able to collect it due to my discharge classification.

**ATCH**

None.

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rehabilitation, if you believe she has demonstrated a pattern of behavior that constitutes a significant departure from the conduct expected of airmen; or,

d. direct that the airman be retained in the Air Force.

5. We recommend you sign the attached letter behind Tab 1 discharging Airman First Class \_\_\_\_\_ with a General discharge from the United States Air Force under AFI 36-3208, paragraph 5.50.2, Pattern of Misconduct, without probation and rehabilitation.

V/R

[A large rectangular area enclosed by a dashed line, intended for a signature.]

Staff Judge Advocate

Attachment  
Case File



DEPARTMENT OF THE AIR FORCE

50TH SPACE WING (AFSPC)



22 MAY 1997,

MEMORANDUM FOR A1C [redacted]

FROM: 50 SCS/CC

SUBJECT: Notification Memorandum

I am recommending your discharge from the United States Air Force for A Pattern of Misconduct. The authority for this action is AFPD 36-32 Military Retirements and Separations and AFI 36-3208, Administrative Separation of Airmen paragraph or paragraphs 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.

My reasons for this action are:

a. An investigation has disclosed that your conduct towards a Non-commissioned officer (NCO) was substandard. The use of disparaging comments towards any person at the work place is not acceptable. Not only did you use profanity towards an NCO you have shown total disrespect for his authority. For this misconduct you received a Letter of Reprimand (LOR) dated 20 May 97.

b. You have been involved and counseled on unprofessional relationship 21 times. The relationships you have placed yourself in have disrupted workcenter operations and caused you to miss duty on three separate occasions. You have been counseled on your work attitude and respect for authority seven times. I have documented two separate occasions that you have left your console unattended due to personal problems. You have missed work on three separate occasions with no plausible explanations. You have discredited your supervisors and undermined their authority by misrepresenting the truth. For this misconduct you received a Letter of Counseling (LOC) dated 2 Apr 97.

c. On or about 27 Feb 97, you failed to come to work. SrA: [redacted] called you and you said you would be in. SSgt: [redacted] talked to you and reminded you of your personal responsibility to verify the schedule and you stated you would be in as soon as possible. You arrived to work between 0900 and 0930 after washing your uniform. When SSgt: [redacted] confronted about your tardiness you blamed SrA: [redacted] for misleading you. An argument started between you and SrA: [redacted] and both of you were asked to calm down. SrA: [redacted] relaxed while you continued to argue. Once SSgt: [redacted] became face to face with you and asked you once again to calm down, you informed him that he was in your personal space and to get out of it. Later that afternoon when SSgt: [redacted] TSgt: [redacted] and TSgt: [redacted] spoke with you about the earlier incident you became upset and threatened to attack SSgt: [redacted]



d. Your off-duty relationship with SrA [redacted], a fellow member of this squadron, has manifested itself into poor judgement and unprofessional conduct on- and off-duty. Furthermore, on several occasions on or about 20 Oct 96 your unprofessional relationship with SrA [redacted] also resulted in the disruption of mission accomplishment through a number of unofficial telephone calls. For this misconduct you received a Letter of Counseling dated 25 Oct 96.

e. On or about 5 Sep 96, an investigation disclosed that you were at Falcon AFB, Colorado, and you were disrespectful towards an officer. For this misconduct you received a Letter of Reprimand dated 13 Sep 96.

f. On or about 30 Aug 96, between the hours of 1900L and 2000L, you was told by SSgt [redacted] that you must accomplish your RCC evaluation tonight if you felt ready. You immediately took offense and perceived that SSgt [redacted] was harassing you. You stormed out of the room, and for about 30 minutes you was no where to be found.

g. On or about 28 Aug 96, you were in violation of a direct order from the me to avoid all contact, unless on a professional level, with SrA [redacted]. I am here to inform you that this type of misconduct will not be tolerated. Failure to follow a direct order is punishable under the UCMF, and will be treated as such if further infractions are committed. For this misconduct you received a Letter of Counseling dated 30 Aug 96.

h. You received an order to cease and desist all contact with SrA [redacted]. Do not pursue any personal contact while on- or off-duty with SrA [redacted]. Should professional contact become unavoidable conduct yourself in a professional manner representing the Air Force. It is expected that your future conduct will set an example of decorum to be followed by your associates in the service. Any deviations from the conduct expected of you as a member of the United States Air Force will result in more severe action punishable under Article 92 of the UCMJ. Letter dated 22 Aug 96.

i. Investigation has disclosed that on several occasions you failed to show a sense of urgency for the mission and have created a stressful and distrusting working environment because of your disregard for Air Force standards outlined in AFI 36-2909, Professional and Unprofessional Relationships. For this misconduct you received a Letter of Admonition (LOA) dated 16 Jul 96.

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.

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 [redacted] at Peterson AFB Area Defense Counsel, in Bldg 861 Suite 300 on 23 May 97 at 0930 hours. You may consult civilian counsel at your own expense.

You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 29 May 97 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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.

You have been scheduled for a medical examination. You must report to Peterson AFB Medical Clinic at 0730 hours on 23 May 97 for the examination.

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 unit orderly room.

Commander

**Attachments:**

1. LOR dated 20 May 97
2. LOC dated 2 Apr 97
3. Memo for Record
4. LOC dated 25 Oct 96
5. LOR dated 13 Sep 96
6. LOC dated 30 Aug 96
7. Order to Cease and Desist dated 22 Aug 96
8. LOA dated 16 Jul 96