

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>	GRADE SGT	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>
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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
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A94.05	INDEX NUMBER A67.10	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 HE

HEARING DATE 21 Nov 2006	CASE NUMBER FD-2005-00489	
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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 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.

INDORSEMENT		DATE: 12/5/2006
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, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00489

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

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. Although not explicitly stated, applicant contends her discharge was inequitable because it was too harsh. She also contends that she was discharged for misconduct because she couldn't find a short term designee for dependent care and no action was ever taken against her husband. The records indicated the applicant received an Article 15, a Letter of Reprimand, three Letters of Counseling, and three no-show letters for misconduct. The applicant was administratively disciplined for failure to go on three separate occasions, financial irresponsibility, and dereliction of duty resulting in an eviction from her residence for non-payment of rent. The records also indicated she received an Article 15 for failing to inspect life support equipment and making a false official statement. She received a suspended reduction in grade to Airman First Class, forfeiture of pay, and 45 days of extra duty. 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.

Issue 2. The DRB was pleased to see that the applicant was doing well and seeking her baccalaureate in criminal justice. However, no inequity or impropriety in her discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized her term of service.

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 SGT) (HGH SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Eielson AFB, AK on 27 Jul 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 3 Nov 67. Enlmt Age: 18 7/12. Disch Age: 26 8/12. Educ: HS DIPL. AFQT: N/A. A-95, E-50, G-57, M-13. PAFSC: 1T151 - Aircrew Life Support Journeyman. DAS: 4 Nov 92.

b. Prior Sv: (1) AFRes 18 Jun 86 - 30 Sep 86 (3 months 13 days) (Inactive).

(2) Enlisted as AB 1 Oct 86 for 4 yrs. Svd: 3 yrs 3 months 29 days, all AMS. AMN - 1 Apr 87. A1C - 1 Feb 88. SrA - 1 Oct 89. APRs: 8,7,3(REF).

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 31 Jan 90 for 4 yrs. Extended 3 Sep 92 for 22 months. Svd: 04 Yrs 05 Mo 26 Das, all AMS.

b. Grade Status: Sgt - 01 Oct 90

c. Time Lost: None.

d. Art 15's: (1) 3 Nov 93, Eielson AFB, AK - Article 92. You, who knew of your duties, on or about 7 Oct 93, were derelict in the performance of those duties in that you negligently inspected the life support equipment belonging to Major [redacted] as it was your duty to do. Article 107. You did, on or about 7 Oct 93, with intent to deceive, sign an official record, to wit: AFTO Form 391, stating that an inspection was done on 13 Sep 93, which record was totally false in that no inspection was conducted on 13 Sep 93, and was then known by you to be so false. Suspended reduction to A1C (Remitted on 30 Mar 04). Forfeiture of \$100.00 pay per month for 2 months, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 31 MAY 94 - Dereliction of duty.
Notice Of Eviction, 12 MAY 94 - Evicted from residence for none payment of rent.

LOC, 25 APR 94 - Dereliction of duty.
Notice of Eviction, 28 DEC 93 - Evicted from residence for a failure to uphold a

requirement listed in the
rental agreement.

NO-SHOW LTR, 03 MAY 93 - Failure to go.
NO-SHOW LTR, 27 APR 93 - Failure to go.
LOC, 13 APR 93 - Financial irresponsibility.
LOC, 13 APR 93 - Financial irresponsibility.
NO-SHOW LTR, 08 JAN 93 - Failure to go.

f. CM: None.

f. Record of SV: 01 Oct 89 - 30 Sep 90 Charleston AFB 3 (Annual)
01 Oct 90 - 29 Sep 91 Charleston AFB 3 (Annual)
30 Sep 91 - 26 Mar 92 Charleston AFB 4 (CRO)
27 Mar 92 - 01 Oct 92 Charleston AFB 3 (CRO)
02 Oct 92 - 01 Oct 93 Eielson AFB 4 (Annual)

h. Awards & Decs: AFTR, NDSM, NCOPMER, HSM, AFLSAR, AFOUA W/2 OLCS, AFGCM
W/1 OLC, AFOSLTR, AFAM.

i. Stmt of Sv: TMS: (08) Yrs (01) Mos (20) Das
TAMS: (07) Yrs (09) Mos (27) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 15 Dec 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

07FEB06/ia

JAN 23 2006

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES
(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved
OMB No. 0704-0004
Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Service and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.**

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.
PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.
ROUTINE USE(S): None.
DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one) ARMY MARINE CORPS NAVY AIR FORCE COAST GUARD

b. NAME (Last, First, Middle Initial) _____ c. GRADE/RANK AT DISCHARGE Sgt E-4 d. SOCIAL SECURITY NUMBER _____

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 4. DISCHARGE CHARACTERIZATION RECEIVED (X one) 5. BOARD ACTION REQUESTED (X one)

2. 1994-07-24

4. HONORABLE
 GENERAL/UNDER HONORABLE CONDITIONS
 UNDER OTHER THAN HONORABLE CONDITIONS

5. CHANGE TO HONORABLE
 CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
 CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
 CHANGE NARRATIVE REASON FOR SEPARATION TO:

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

3. 355th Squadron Eirson

6. I was discharged for misconduct because I couldn't find a short term designee for my children, yet NOTHING WAS EVER said or done to my husband for not having one

basis of (discrimination)

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)

Evidence is in my records.

9. TYPE OF REVIEW REQUESTED (X one)

CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.
 I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
 I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10. a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS (See item 10 of the instructions about counsel/representative.)

b. TELEPHONE NUMBER (Include Area Code) _____
c. E-MAIL _____
d. FAX NUMBER (Include Area Code) _____

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate and relationship by marking a box below.

SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

12. a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)

b. TELEPHONE NUMBER (Include Area Code) _____
c. E-MAIL _____
d. FAX NUMBER (Include Area Code) _____

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

CASE NUMBER
(Do not write in this space.)

b. DATE SIGNED - REQUIRED (YYYYMMDD)
2006/01/11

14. CONTINUATION OF ITEM 8, ISSUES (If applicable)

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

16. REMARKS (If applicable)

On the basis of discrimination
why is it the mother (female) had
full responsibility for this?

As for article 15 - SSgt [redacted]
Lied on me and a TSgt [redacted]
from Charleston AFB SC had
called ahead to TSgt [redacted] before
my arrival and told lies about me.

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (G-WPM)
2100 Second Street, S.W. Room 5500
Washington, DC 20593

I am a ~~not~~ student with Troy
seeking my BS
distance learning at present
hold a 3.79 GPA Majoring in
Criminal Law

I have supported my husband's
military career for 18 years
now. Together we have two
teenage sons.

I would love to get a good
job after graduation.





DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

JUN -6 1994

MEMORANDUM FOR SGT [REDACTED], 353 FS (PACAF)

FROM: 353 FS/CC
1151 Flightline Ave Ste 1
Eielson AFB AK 99702-1600

SUBJECT: Notification Letter - Board Hearing - INFORMATION MEMORANDUM

1. I am recommending your discharge from the United States Air Force for Misconduct--Minor Disciplinary Infractions according to AFR 39-10, under the provisions of paragraph 5-46. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. The following forms the basis for this action:

a. On or about 15 Dec 92, you failed to attend a mandatory training appointment for M-16 Live Fire as evidenced by a no-show letter dated 8 Jan 93. (Atch 1)

b. On or about 26 Feb 93, you uttered a worthless check in the amount of \$20.09 to the Army Air Force Exchange Services (AAFES) as evidenced by a dishonored check notification letter dated 31 Mar 93. For this infraction, you received a Letter of Counseling dated 13 Apr 93. (Atch 2)

c. On or about 26 Feb 93, you uttered a worthless check in the amount of \$70.70 to AAFES as evidenced by a dishonored check notification letter dated 31 Mar 93. For this infraction, you received a Letter of Counseling dated 13 Apr 93. (Atch 2)

d. On or about 6 Apr 93, you failed to attend a mandatory training appointment for Hazardous Cargo Training as evidenced by a no-show letter dated 27 Apr 93. (Atch 3)

e. On or about 23 Apr 93, you failed to attend a mandatory training appointment for Unit S.A.B.C. as evidenced by a no-show letter dated 3 May 93. (Atch 4)

f. On or about 7 Oct 93, you were derelict in the performance of your duties in that you negligently failed to inspect the life support equipment belonging to Major [REDACTED]. For this infraction, you received an Article 15 dated 3 Nov 93. (Atch 5)

g. On or about 7 Oct 93, you signed an official record indicating you had conducted an inspection on the life support equipment of Major: which record was totally false. For this infraction, you received an Article 15 dated 3 Nov 93. (Atch 5)

h. On or about 28 Dec 93, you failed to uphold a requirement listed in your rental agreement by not changing the electric account into your name as evidenced by a Landlord Notice to Tenant of Eviction notice dated 28 Dec 93. (Atch 6)

i. On or about 25 Apr 94, you were derelict in the performance of your duties in that you negligently failed to properly coordinate a request for a comp day and failed to properly ensure arrangements for passing out building keys. These infractions negatively impacted support for Amalgam Warrior. For this infraction, you received a Letter of Counseling dated 25 Apr 94. (Atch 7)

j. On or about 25 Apr 94, you were derelict in the performance of your duties in that you negligently failed to provide Dependent Care Certification as you were instructed to do by your First Sergeant. For this infraction, you received a Letter of Reprimand dated 31 May 94. (Atch 8)

k. On or about 12 May 94, you violated the terms of your rental agreement as evidenced by a Notice of Eviction for Non-Payment of Rent dated 12 May 94. (Atch 9)

3. This action could result in your separation with an honorable or general discharge. I am recommending that you receive a general discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have/~~have not~~ been scheduled for a medical examination. You must report to Physical Examinations Section, 354 MEDS, Building 3349, at 0730 hrs hours on 9 June 94

6. Military legal counsel, Captain [redacted], Area Defense Counsel, Bldg 3112, Extension 7-2257, has been obtained to assist you. An appointment has been scheduled for you to consult him on 7 Jun 94 at 1400 hours. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. (I will send the statements to the discharge authority with the case file to be considered with this recommendation.) If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

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 our orderly room.

9. Execute the attached acknowledgment and return it to me immediately.

[redacted signature box]
Commander

Attachment:

1. No-Show Ltr, 8 Jan 93
2. LOC, 13 Apr 93
3. No-Show Ltr, 27 Apr 93
4. No-Show Ltr, 3 May 93
5. Article 15, 3 Nov 93
6. Eviction Notice, 28 Dec 93
7. LOC, 25 Apr 94
8. LOR, 31 May 93
9. Eviction Notice, 12 May 94
10. Mental Health Evaluation, 30 Nov 93
11. Sgt [redacted]; Acknowledgment