

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%;"></div>	GRADE A1C	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
---------------------------------------------------------------------------------------------------------------------------------	---------------------	---------------------------------------------------------------------------------------

TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left; padding: 2px;">COUNSEL</th> </tr> <tr> <td style="width:50%; padding: 2px;">YES</td> <td style="width:50%; padding: 2px;">No</td> </tr> <tr> <td style="text-align: center; padding: 2px;">X</td> <td></td> </tr> </table>		COUNSEL		YES	No	X		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
COUNSEL									
YES	No								
X									

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X+*
	X+				*
					X+*
					X+*
					X+*

ISSUES A94.05	INDEX NUMBER A67.10	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 2px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr><td style="width:5%; padding: 2px;">1</td><td style="padding: 2px;">ORDER APPOINTING THE BOARD</td></tr> <tr><td style="padding: 2px;">2</td><td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="padding: 2px;">3</td><td style="padding: 2px;">LETTER OF NOTIFICATION</td></tr> <tr><td style="padding: 2px;">4</td><td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td style="padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </tbody> </table>	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
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 06 Jun 2006	CASE NUMBER FD-2005-00496																	

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 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.

* - RE Code
+ - Reason and Authority

SIGNATURE OF RECORDER <i>[Signature]</i>	SIGNATURE OF BOARD PRESIDENT <i>[Signature]</i>
------------------------------------------	-------------------------------------------------

INDORSEMENT		DATE: 6/12/2006
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

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 06 Jun 2006.

The following additional exhibits were submitted at the hearing:

Exhibit #6: Character reference letters (2)

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

FINDINGS: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are 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: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 and four Letters of Reprimand for misconduct. The applicant was disciplined with two Letters of Reprimand for failure to attend mandatory formations on two occasions. The LORs referred to previous incidents of similar nature. The applicant received her third Letter of Reprimand for an incident of inappropriate outburst of anger and insubordination that demonstrated a loss of self control and unprofessionalism. This Letter of Reprimand also indicated previous problems of a similar nature. The applicant received non-judicial punishment, Article 15, for sleeping while on duty. Despite receiving three LORs and an Article 15 during one rating period, the applicant's duty performance documented by enlisted performance report closing 8 months after non-judicial punishment documented very good duty performance. Shortly after close-out of this performance report the applicant, while on duty, improperly pulled her loaded weapon from its holster during an argument with her boyfriend at the barracks, a serious offense for which she received a Letter of Reprimand followed shortly thereafter by notification of administrative discharge. During testimony, she stated she pulled her weapon in a threat to harm herself not her boyfriend. Although not in the available records, the applicant testified she voluntarily sought counseling in the life skills clinic. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her pattern of 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.

The Board noted the good aspects of her duty performance as well as character letters written by supervisors at the time of discharge and those submitted by the applicant at the time of the Board but opined that although she appeared to have had overcome her initial disciplinary infractions, the final incident when she improperly pulled her weapon was a very serious infraction that clearly established a recurring pattern of conduct unacceptable in all military members that was not responsive to corrective actions. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board considered the personal stressors the applicant was experiencing at the time of her offenses along with the documented duty performance and concluded that her misconduct outweighed the positive aspects of her service. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Robins AFB, GA on 12 May 05 UP AFI 36-3208, PARA 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 19 Jul 81. Enlmt Age: 20 6/12. Disch Age: 23 9/12. Educ: HS DIPL. AFQT: N/A. A-61, E-52, G-40, M-36. PAFSC: 3P051- Security Forces Journeyman. DAS: 12 Oct 02.

b. Prior Sv: (1) AFRes 23 Jan 02 - 29 Apr 02 (3 mos 7 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 30 Apr 02 for 4 years Svd: 03 Yrs 00 Mo 13 Das, all AMS.

b. Grade Status: A1C - 1 Sep 03
Amn - 1 Nov 02

c. Time Lost: None.

d. Art 15's: (1) 14 May 04, RAF Croughton, England - Article 92. You, who should have known of your duties, on or about 17 Apr 04, were derelict in the performance of those duties in that you negligently failed to refrain from sleeping on duty, as it was your duty to do. Suspended reduction to Amn. Thirty days extra duty.
(No appeal) (No mitigation)

e. Additional: LOR/UIF, 3 FEB 05 - Dereliction of duty by drawing her weapon without proper justification.
LOR, 02 APR 04 - Insubordinate conduct towards an NCO.
LOR, 31 MAR 04 - Failure to go.
LOR, 03 JAN 04 - Failure to go.

f. CM: None.

g. Record of SV: 30 Apr 02 - 30 Dec 03 RAF Croughton 3 (Initial)
30 Dec 03 - 29 Dec 04 RAF Croughton 4 (Annual)
Examiners note: Last EPR dates are off by one day.

h. Awards & Decs: NDSM, GWOTSM, AFOSLTR, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (03) Mos (20) Das
TAMS: (03) Yrs (00) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Dec 05.
(Change Discharge to Honorable.)

NO ISSUES SUBMITTED.

ATCH

AF 418, 18 Nov 2004.

10Mar06/day



DEPARTMENT OF THE AIR FORCE
38TH COMBAT SUPPORT WING (USAFE)

4 - MAR 2005

MEMORANDUM FOR A1C: [REDACTED]

FROM: 422 ABS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: 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 an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are:

a. On or about 23 Dec 04, while on duty as a 422 ABS security forces member armed with a 9mm handgun containing live ammunition, you drew your duty weapon from your holster and pointed it at the ground while you were engaged in an argument with another military member regarding your personal relationship with him. For this misconduct, you received a Letter of Reprimand dated 3 Feb 05 (Attachment 1).

b. On or about 17 Apr 04, you were derelict in the performance of your duties in that you negligently failed to refrain from sleeping on duty. For this misconduct, you were punished under Article 15, UCMJ dated 14 May 04 (Attachment 2).

c. On or about 31 Mar 04, while on duty as an SRT team member, you were insubordinate toward a Noncommissioned Officer when you yelled at him and told him to "Shut Up". For this misconduct, you received a Letter of Reprimand dated 2 Apr 04 (Attachment 3).

d. On or about 29 Mar 04, you failed to go to your appointed place of duty. For this misconduct, you received a Letter of Reprimand dated 31 Mar 04 (Attachment 4).

e. On or about 29 Dec 03, you failed to go to your appointed place of duty. For this misconduct, you received a Letter of Reprimand dated 3 Jan 04 (Attachment 5).

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.

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

Capt: [REDACTED] at RAF Lakenheath, at DSN 226-3608 on
7 Mar 05, at 1000 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 9 Mar 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 have been scheduled for a medical examination. You must report to the 422 ABS medical clinic on 8 Mar 05, at 0900 hours for the 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 Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.

Commander

Attachments:

1. LOR dated 3 Feb 05
2. Art 15 dated 14 May 04
3. LOR dated 2 Apr 04
4. LOR dated 31 Mar 04
5. LOR dated 3 Jan 04
6. Receipt of Notification Memorandum