

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>
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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	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A94.05	INDEX NUMBER A67.30	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 14 Sep 2006	CASE NUMBER FD-2006-00021	
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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.

SIGNATURE OF RECORDER <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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INDORSEMENT		DATE: 9/18/2006
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.

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 feels she was discharged as a result of the Air Force going through force reduction. The records indicated the applicant received two Article 15's for misconduct. The Article 15's were for wrongfully establishing, developing, and conducting a personal, intimate, and sexual relationship with students. The first Article 15, the applicant was punished with a reduction in grade to airman first class. The second Article 15, she was punished with a suspended reduction to airman, forfeiture of pay and 15 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 applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, she signed a statement (DD Form 2366) that she understood she must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Sheppard AFB, TX on 15 Jun 05 UP AFI 36-3208, para 5.52.3 (Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 18 Sep 82. Enlmt Age: 17 11/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-50, E-35, G-47, M-29. PAFSC: 4N051 - Aerospace Medical Services Journeyman. DAS: 19 Jul 04.

b. Prior Sv: (1) AFRes 12 Sep 00 - 27 Sep 00 (16 days) (Inactive).

(2) Enlisted as AB 28 Sep 00 for 4 yrs. Svd: 3 yrs 7 months 1 day, all AMS. AMN - 28 Mar 01. A1C - 28 Jan 02. SrA - 28 Sep 03. EPRs: 4,5,5.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as SrA 29 Apr 04 for 4 yrs. Svd: 01 Yrs 01 Mo 17 Das, all AMS.

b. Grade Status: A1C - 26 Oct 04 (Article 15, 26 Oct 04)

c. Time Lost: None.

d. Art 15's: (1) 18 Mar 05, Sheppard AFB, TX - Article 92. You did, between on or about 6 Dec 04 and on or about 3 Feb 05, violate a lawful general regulation, to wit: paragraph 4.1.3, AETCI 36-2909, dated 12 Jun 03, by wrongfully establishing, developing, and conducting a personal, intimate, and sexual relationship with a student, SSgt [REDACTED], not your husband. Suspended reduction to Airman. Forfeiture of \$500.00 pay per month for 2 months, and 15 days extra duty. (No appeal) (No mitigation)

(2) 26 Oct 04, Sheppard AFB, TX - Article 92. You did, between on or about 28 Jul 04 and on or about 20 Sep 04, violate a lawful general regulation, to wit: paragraph 4.1.3, AETCI 36-2909, dated 12 Jun 03, by wrongfully establishing, developing, and conducting a personal, intimate, and sexual relationship with a student, SrA [REDACTED]. Reduction to A1C. (Appeal/Denied) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 26 Mar 04 - 25 Mar 05 Sheppard AFB 2 (Annual) **REF**

h. Awards & Decs: AFTR, NDSM, AFLSAR, GWOTSM, AFGCM, AFOUA.

i. Stmt of Sv: TMS: (04) Yrs (09) Mos (04) Das
TAMS: (04) Yrs (08) Mos (18) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 08 Jan 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Copy of Discharge Correspondence.

23FEB06/ia

08 JAN 2006

My discharge from the United States Air Force was based on two actions against me. I received two article 15s for what my commander felt was the same action. The Air Force was going through their force reduction at the time and found me unsuitable for military service.

My first Article 15 was issued to me after 4 years of honorable military service. I had just reenlisted for another five years and was awaiting a teaching position at Sheppard Air Force Base. I fully accepted the Article against me and received harsh punishment for my actions. I was never in a teaching position. I was working in the 383rd training squadron at the time. The squadron was in the process of moving me to the hospital to work under my current AFSC.

During that time I developed a friendship with a TDY student. My old squadron had suspicion that we were seeing each other and proceeded to push the issue with my new squadron and Commander. I rebutted the Article and the Commander found me guilty to which he had no evidence. I received my punishment and continued to work just as hard as always knowing I would be put up for a discharge review.

I feel that my 4 years and 7 months service in the military were honorable even after and during the Article 15 proceedings. If I could I would still be serving my country today. It is difficult to see people who show up late for work, come in with alcohol on their breath, and do a poor job at work, who could care less if they were there or not, and they still receive the benefits and praise of fellow citizens in the community for serving our country. I caused no harm to the military. All I did was have a friendship with another airman that would be allowed anywhere else, on any other base. I had no position above the airman I developed a relationship with.

The military offers the Montgomery GI Bill to Airmen who serve their time and pay into the Bill. I paid into the Bill my first year in service and continued to serve honorably for my full first term of service. I feel that I was misled into believing that I would get the benefits with a general, under honorable conditions discharge. If anything I feel that my discharge should be upgraded to honorable so I can reap the benefits of the GI Bill. I do not feel that my two Article 15 actions should cause me to leave the military with no educational benefits. Currently I am working and trying to figure out how to pay for school. I attended classes in the military for the time I was in. Now I would really like to finish school.

Please take this into consideration while reviewing my discharge upgrade request. I have also attached my discharge paperwork as well as my two article 15s. Thank you for your time. I am proud to have served in the United States Air Force.

Sincerely





**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

31 May 05

MEMORANDUM FOR 82 TRW/CC

FROM: 82 TRW/JA

SUBJECT: Legal Review, Recommendation for Discharge – A1C [REDACTED]; 82 MDOS

1. We reviewed this discharge case file and find it legally sufficient. We concur with the 82 MDOS/CC's recommendation that A1C Brownlee, the respondent, be discharged under honorable conditions (general) in accordance with AFI 36-3208, paragraph 5.52.3 (commission of a serious offense), without probation and rehabilitation (P&R).

2. Basis for Action: On 18 May 05, the 82 MDOS/CC notified A1C [REDACTED] that he was recommending she be discharged from the service due to her misconduct. The preponderance of the evidence in the case file supports the squadron commander's recommendation.

3. Reasons for Discharge:

a. Between 6 Dec 04 and 3 Feb 05, the respondent wrongfully conducted a personal and sexual relationship with a student. For this misconduct, the respondent received Article 15 punishment on 18 Mar 05.

b. Between 28 Jul 04 and 20 Sep 04, the respondent (while a Senior Airman) wrongfully conducted a personal and sexual relationship with a student. For this misconduct, the respondent received Article 15 punishment on 26 Oct 04.

4. Additional Information: The respondent is 22 years old, began her present enlistment on 29 Apr 04, and was assigned to her unit on 19 Jul 04. Her ASVAB scores are as follows: A – 50, E – 35, G – 47 and M – 29. The respondent is entitled to wear the Air Force Training Ribbon, National Defense Service Medal, Global War on Terrorism Service Medal, Air Force Longevity Service Award, Air Force Outstanding Unit Award and Good Conduct Medal. The respondent consulted counsel and waived her right to submit statements for your consideration.

5. Options: In accordance with AFI 36-3208, your options are to:

- a. Direct A1C [REDACTED] retention;
- b. Suspend an under honorable conditions (general) discharge and grant P&R;
- c. Direct an under honorable conditions (general) discharge without P&R; or

This communication is privileged as attorney work product and/or attorney-client communication or is protected by another privilege recognized under the law. Do not distribute, forward, or release without the prior approval of the sender or 82 TRW/JA.

d. Recommend that A1C [redacted] be discharged with an honorable discharge. If you determine an honorable discharge is appropriate, this file must be forwarded to 2 AF CC because only a General Court-Martial Convening Authority may approve an honorable discharge when the basis for discharge is misconduct (AFI 36-3208, paragraph 5.48.4).

6. Recommendation: Direct A1C [redacted] discharge under honorable conditions (general) without P&R.

7. If you have any questions regarding this matter, please contact me at 6-2312.

[redacted]

Staff Judge Advocate /

Attachment:
Case File



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

18 May 05

MEMORANDUM FOR A1C ANDREA [REDACTED], 82 MDOS

FROM: 82 MDOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense, paragraph 5.52.3. The authority for this action is AFPD 36-32, and AFI 36-3208. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

- a. You did, at or near Sheppard Air Force Base, Texas, between on or about 6 Dec 2004 and on or about 3 Feb 2005, violate a lawful general regulation, to wit: paragraph 4.1.3, Air Education and Training Command Instruction 36-2909, dated 12 Jun 2003, by wrongfully establishing, developing, and conducting a personal, intimate, and sexual relationship with a student. For this misconduct, you received Article 15 punishment on 18 Mar 05.
- b. You did, at or near Sheppard Air Force Base, Texas, between on or about 28 Jul 04 and on or about 20 Sept 04, violate a lawful general regulation, to wit, paragraph 4.1.3, Air Education and Training Command Instruction 36-2909, dated 12 Jun 2003, by wrongfully establishing, developing and conducting a personal, intimate, and sexual relationship with a student. For this misconduct, you received Article 15 punishment on 26 Oct 04.

2. 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 Air Force and if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible to reenlist in the Air Force and will probably be denied enlistment in any component of the Armed Forces. Any special pay, bonus or education assistance may be subject to recoupment.

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 [REDACTED] at ADC on 18 May 05 at 1400. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 23 May 05 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 statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. Member has been scheduled for a medical examination. Member's appt is ^{20 May 05} ~~13 May 05~~ at ^{+545 6830} ~~1415~~ with Family Practice. Please arrive 15 minutes early.

7. 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 the Unit Personnel Office, Bldg 1200.

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



Commander, 82D Medical Operations Squadron

Attachments:

1. AF 3070, 18 Mar 05
2. Written Response to Article 15, 14 attach, 16 Mar 05
3. Appeal to Non-Judicial Punishment, Col: [redacted] 28 Mar 05
3. Appeal to Non-Judicial Punishment, A1C: [redacted] 13 attach, 22 Mar 05
4. AF 3070, 26 Oct 04
5. Written Response to Article 15, 1 attach, 21 Oct 04
6. DD Form 2873, 22 Feb 05
7. Airman's Receipt of Notification *wd*