

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	GRADE A1C	AFSN/SSAN <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:10%;">COUNSEL</th> <th style="width:90%;">NAME OF COUNSEL AND OR ORGANIZATION</th> </tr> <tr> <td style="width:10%; padding: 5px;">YES</td> <td style="width:90%; padding: 5px;">No</td> </tr> <tr> <td style="width:10%; padding: 5px;"></td> <td style="width:90%; padding: 5px;">X</td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	YES	No		X	ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION								
YES	No								
	X								

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px solid black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A93.07 A94.05 A93.09	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 17 Oct 2006	CASE NUMBER FD-2006-00040	
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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.

SIGNATURE OF RECORDER <i>[Signature]</i>	SIGNATURE OF BOARD PRESIDENT <i>[Signature]</i>
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INDORSEMENT	DATE: 10/25/2006
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-2006-00040

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. The applicant was discharged with a general discharge. Although not explicitly stated, applicant contends discharge was inequitable because it was too harsh. She further contends that she was a victim of domestic violence and did not want anyone to know. She was a single parent and was not always truthful with her leadership concerning her personal situation. She requests an upgrade of her discharge because she does not like the fact her leadership used the negative information to process her for discharge. The records indicated the applicant received six Letters of Reprimand and two Letters of Counseling for misconduct. Applicant was administratively disciplined with six Letters of Reprimand for disobeying a lawful order, wearing unauthorized rank, being late for a scheduled appointment, late reporting to work, failure to go, and failure to obey an order. The Letters of Counseling were administered for failing to attend a mandatory briefing and disobeying a lawful order. 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 is doing well, has a good job and is continuing her education. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Andrews AFB, MD on 24 Feb 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 Jun 84. Enlmt Age: 18 0/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-72, E-45, G-44, M-28. PAFSC: 3P031 - Security Forces Apprentice. DAS: 6 Jun 03.

b. Prior Sv: (1) AFRes 27 Jun 02 - 13 Jan 03 (6 months 17 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Jan 03 for 6 yrs. Svd: 02 Yrs 01 Mo 11 Das, all AMS.

b. Grade Status: A1C - 28 Feb 03

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 06 JAN 05 - Failure to obey an order.
LOR, 13 DEC 04 - Failure to go.
LOR, 19 JUL 04 - Late for work for the third time.
LOR, 19 JUL 04 - Late reporting to a scheduled appointment.
LOC, 31 JUL 03 - Failure to attend a mandatory briefing.
LOR/UIF, 08 MAY 03 - Wearing unauthorized rank.
AETC/UIF, 14 APR 03 - Failure to go.
LOR/UIF, 16 MAR 03 - Disobeying a lawful order or regulation.
LOC/UIF, 14 MAR 03 - Disobeying a lawful order or regulation.

f. CM: None.

g. Record of SV: 14 Jan 03 - 22 Oct 04 Andrews AFB 3 (Initial)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (07) Mos (28) Das
TAMS: (02) Yrs (01) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Jan 06.

(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. District Court of Maryland Criminal Systems Inquiry.

21MAR06/ia

FEB 15 2006

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL 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 Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. 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 ADDRESS. 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	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
	C3				

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)
2005 FEB 24	<input checked="" type="checkbox"/> HONORABLE <input checked="" type="checkbox"/> GENERAL UNDER HONORABLE CONDITIONS UNDER OTHER THAN HONORABLE CONDITIONS BAD CONDUCT (Special court-martial only) UNCHARACTERIZED OTHER (Explain)	<input checked="" type="checkbox"/> 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		
89th SFS Andrews AFB		

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)
well I ~~was~~ was suffering a bad case of domestic violence that I did not want to get out to everyone, then it got to a point when I told my son that it had to be known. -continued

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.)
These are documents that have shown of my child father being arrested for domestic violence

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 the name (print) 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

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.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)	b. DATE SIGNED - REQUIRED (YYYYMMDD)	CASE NUMBER (Do not write in this space.)
	2005 FEB 10	

14. CONTINUATION OF ITEM 8, ISSUES (if applicable) 20060610 SR. I went to my leadership and told them the real thing that has been happening, plus the evidence that had been for themselves. I really am sorry for not telling them, and I had had about reasons I couldn't come in, but being in a abusive relationship with my child father, and being by yourself as a single mom was not easy. My unit commander told me that they will help me out, but I still had to be punished for my action for lying about why I wasn't able to come to work. I suffered a lot of stress, not having someone to watch my child, while having to work different flight schedule, and my child suffered from being in from different sitters house to house. I started getting paper work just for being 5 min. or < late.

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

16. REMARKS (if applicable)

Please, I am a young single parent that is fighting a journey by myself. I suffered alot, and is great to be back home. I loved being in the military, but just being abused, and handling a infant baby at that time with no consistent support class heard, I had went to my first sergeant and told him that I was going to get ousted, and that I just really need to get home. They told me that this was the fastest way to get me out, and the discharge that I am receiving is not bad, but it is to me. They told me just recuple and steel out of trouble, and it would get lifted to honorable. I don't like how they used the negative information against me like now they used the negative information against me to get this discharge. I am working a full-time job, full-time student, and doing excellent in life. Please consider

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

<p>ARMY</p> <p>Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)</p>	<p>NAVY AND MARINE CORPS</p> <p>Naval Council of Personnel Boards 720 Kannon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023</p>
<p>AIR FORCE</p> <p>Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p>COAST GUARD</p> <p>U.S. Coast Guard Commandant (G-WPM) 2100 Second Street, S.W. Room 5500 Washington, DC 20593</p>

FD 2006-00040



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 89TH AIRLIFT WING (AMC)

7 Feb 2005

MEMORANDUM FOR A1C [redacted]

FROM: 89 SFS/CC
1845 Westover Drive
Andrews AFB MD 20762

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically, Minor Disciplinary Infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, 14 Jul 93, and AFI 36-3208, *Administrative Separation of Airmen*, 9 Jul 04, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as General (Under Honorable Conditions).

2. My reasons for this action are:

a. On 4 Jan 05, you failed to notify your flight leadership of your child's medical situation as you had been instructed to do, in violation of Article 92, *Failure to obey a lawful order*. For this act of misconduct, you received a letter of reprimand, dated 6 Jan 05. (Atch 1)

b. On 13 Dec 04, you failed to report for duty at the appointed time, in violation of Article 86, *Failure to go*, Uniform Code of Military Justice (UCMJ). For this misconduct, you received a letter of reprimand, dated 13 Dec 04. (Atch 2)

c. On 19 Jul 04, you were late for duty for the third day in a row, in violation of Article 92, *Failure to obey a lawful order*, UCMJ. For this act of misconduct, you received a letter of reprimand, dated 19 Jul 04. (Atch 3)

d. On 16 Jul 04, you were late for a scheduled appointment and late for duty, in violation of Article 92, *Dereliction of duty*, UCMJ. For this misconduct, you received a letter of reprimand, dated 19 Jul 04. (Atch 4)

e. On 9 Jul 04, you asked another Airman to help you lie to your supervisor by pretending to be a nurse who had tended to your sick child at the emergency room. (Atch 5)

f. On 29 Jul 03, you failed to attend a mandatory briefing, in violation of Article 92, *Failure to obey a lawful order*, UCMJ. For this act of misconduct, you received a letter of counseling, dated 31 Jul 03. (Atch 6)

g. On 8 May 03, an Unfavorable Information File (UIF) was established (Atch 7) because of the following misconduct:

(1) Investigation revealed you wore the rank of Airman First Class, which you admitted you knew you were not authorized to wear. For this act of misconduct, you received a letter of reprimand, dated 8 May 03. (Atch 8)

(2) On 14 Apr 03, you missed a mandatory physical conditioning training session. This misconduct was recorded on an AETC Form 173, Student Record of Nonacademic Counseling, dated 14 Apr 03. (Atch 9)

(3) On 15 Mar 03, you were found in a male Airman's dorm room, in violation of Article 92, *Dereliction of duty*, UCMJ. For this misconduct, you received a letter of reprimand, dated 16 Mar 03. (Atch 10)

(4) You were found with a male Airman in a female dorm room, in violation of Article 92, *Dereliction of duty*, UCMJ. For this misconduct, you received a letter of counseling, dated 14 Mar 03. (Atch 11)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. Documentation of derogatory data contained in your Personnel Information File and Unfavorable Information File may affect whether I recommend your discharge and the characterization of your service. The commander exercising Special Court-Martial jurisdiction or a 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 for reenlistment in the Air Force.

4. You have the right to military counsel. I have made an appointment for you with the Area Defense Counsel (ADC). Report to 1398 Menoher Drive at 0900 hrs on 8 FEB 05, for an appointment with _____. You may request, if reasonably available, another military counsel of your choosing. You may consult civilian counsel at your own expense.

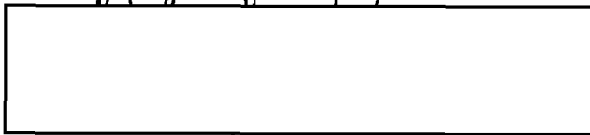
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me no later than 3 duty days from today, unless you request and receive an extension for good cause shown. Any such statements received by me within the allotted time, will be forwarded to the separation authority.

6. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination on 8 Feb 2005 at 1100. You must report to the 89th Medical Group, for the examination. Report to Physical Exams, Bldg 1075, Room Y05, prior to your appointment to pick up your DD Form 2697.

8. The Privacy Act of 1974, 5 USC 552a, as amended, protects any personal information you submit as rebuttal to this action. A copy of AFI 36-3208 is available for your use at the ADC's office or via the Internet at <http://www.e-publishing.af.mil/pubfiles/af/36/afi36-3208/afi36-3208.pdf>.

9. Execute the attached receipt of notification (Atch 12) and return it to me immediately.



Commander, 89th Security Forces Squadron

Attachments:

- 1. LOR, 6 Jan 05
- 2. LOR, 13 Dec 04
- 3. LOR, 19 Jul 04
- 4. LOR, 19 Jul 04
- 5. AF Form 1168 (8 pages)
- 6. LOC, 31 Jul 03
- 7. AF Form 1058, 8 May 03
- 8. LOR, 8 May 03
- 9. AETC Form 173, 14 Apr 03
- 10. LOR, 16 Mar 03
- 11. LOC, 14 Mar 03
- 12. A1C Ross' Receipt of Notification Memo