

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> | GRADE AMN | AFSN/SSAN <div style="border: 1px dashed 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> <td style="width:50%;">COUNSEL</td> <td style="width:50%;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table> </td> <td>ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> </table> | | COUNSEL | NAME OF COUNSEL AND OR ORGANIZATION | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table> | YES | No | | X | ADDRESS AND OR ORGANIZATION OF COUNSEL | | | |
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| YES | No | | | | | | | | | | | |
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| MEMBER SITTING | VOTE OF THE BOARD | | | | |
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| | HON | GEN | UOTHC | OTHER | DENY |
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| ISSUES A93.23 A92.03 A93.33 A94.05 A92.05 A92.17 | INDEX NUMBER A67.90 | <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; text-align: center;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;">2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;">3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">4</td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HE</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 HE |
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| HEARING DATE 11 Jan 2007 | CASE NUMBER FD-2006-00079 | |
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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.

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| 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, 3E WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002 |
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00079

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. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15's, a Vacation, two Letters of Reprimand, a Letter of Counseling, a Letter of Admonishment, and a Record of Individual Counseling for misconduct. The applicant received her first Article 15 for signing an official statement with intent to deceive. She received a suspended reduction in grade to Airman Basic, 30 days correctional custody and a reprimand. She received a Vacation for failure to obey a lawful order by making contact with another member (SSgt). She was reduced in grade to Airman Basic. Her second Article 15 was for damaging an automobile with a tire iron. She was disciplined with a reduction in grade to Airman. The applicant had additional misconduct and was administratively disciplined for being disrespectful to an NCO on three separate occasions, failure to go, and being late for duty. The applicant contends that her mental health conditions contributed to her wrongdoings. The DRB opined that although the applicant was being treated by mental health, it did not impair her ability to know right from wrong or ability to choose the right. 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. Applicant states that her discharge did not take into account the good things she did while in the service. The DRB took note of the applicant's duty performance as documented by her performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Little Rock AFB, AR on 28 Feb 05 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: 20 May 81. Enlmt Age: 19 7/12. Disch Age: 23 9/12. Educ: HS DIPL. AFQT: N/A. A-67, E-50, G-49, M-38. PAFSC: 2R151 - Maintenance Production Management Journeyman. DAS: 8 Jun 01.

b. Prior Sv: (1) AFRes 11 Jan 01 - 30 Jan 01 (20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 31 Jan 01 for 6 yrs. Extended 10 Jan 03 for 4 months. Svd: 04 Yrs 00 Mo 28 Das, all AMS.

b. Grade Status: Amn - 12 Jan 05 (Article 15, 12 Jan 05)
A1C - 19 Feb 03
Amn - 19 Apr 02
AB - 19 Oct 01 (Vacation of Article 15, 29 Jan 02)
A1C - 30 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 12 Jan 05, Little Rock AFB, AR - Article 109. You, did, at or near Jacksonville, Arkansas, on or about 27 Nov 04, willfully and wrongfully damage by hitting it with a tire iron, a 2000 Mitsubishi Eclipse, of a value of about \$9,000.00, the property of A1C Brittany Hambrick. Reduction to Airman. (No appeal) (No mitigation)

(2) 29 Jan 02, Vacation, Little Rock AFB, AR - Article 92. You, having knowledge of a lawful order issued by MSgt [REDACTED], an order which it was your duty to obey, did, on or about 7 Jan 02, fail to obey the same by wrongfully failing to contact SSgt [REDACTED]. Reduction to AB. (No appeal) (No mitigation)

(3) 19 Oct 01, Little Rock AFB, AR - Article 107. You, did, on or about 4 Oct 01, with intent to deceive, sign an official statement, to wit: an AF Form 1168, Statement of Suspect/Witness/Complainant was false in that you said, "I don't have possession of the phone,"

or words to that effect, and was then known by you to be so false. Suspended reduction to AB. Thirty days correctional custody and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 24 SEP 04 - Disrespect and contempt towards two NCOs.
 LOA, 20 APR 04 - Disrespect to an NCO.
 LOC, 19 AUG 03 - Disrespect to an NCO.
 LOR, 09 OCT 01 - Failure to go.
 RIC, 22 JUN 01 - Late for duty.

f. CM: None.

g. Record of SV: 31 Jan 01 - 8 Feb 03 Little Rock AFB 4 (Initial)
 20 Jul 03 - 8 Feb 04 Little Rock AFB 3 (Annual)

h. Awards & Decs: AFTR, NDSM, AFLSAR, AFOUA W/1 OLC.

i. Stmt of Sv: TMS: (04) Yrs (01) Mos (18) Das
 TAMS: (04) Yrs (00) Mos (28) Das

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Nine Letters of Appreciation.
3. Promotion Recommendation Letter.
4. Skill Level Award Letter.
5. Memorandum - Report on Case LPA 020059.
6. Referral ACTS.
7. USAF Security Forces Investigation Report.
8. Medical Report of Domestic Violence.
9. United States Medical Report for Disability.

31MAR06/ia



I was charged with wrongfully damaging personal property. I believe the character of my discharge was inequitable because:

Issue 1: The character of my discharge was out of all proportion because it was awarded during the pending of a significant investigation by the United States Air Force Security Police, to take account of me being the prey of an assault. I believe because of my history of misconduct I was treated as if I were not a victim of a crime. In all actuality the pending case by Security Forces had all to do with my discharge and misbehavior. I feel like due to my background my Commander already considered me guilty without facts. Yes, I did damage someone's' property and that is wrong, however I was trapped, afraid, and assaulted. I contacted the police for help after I was assaulted immediately. I believe my conduct would have resulted, at most, in non-judicial proceedings if my Commander had waited for the results from Security Forces. Furthermore, Security Forces concluded that I was the victim of an assault and being truthful. After I was discharged, three Airmen were arrested and charged, one with assault and two for making false official statements.

Issue 2: My records show that I received two Article 15's for misconduct divided by more than a three-year period. My former Article 15 was for making a false official statement, but, after the case was closed and no evidence was found that I was making a false official statement, I took it upon myself to go back to Security Forces and tell the truth. After I told the truth and the case was closed I received an Article 15. I thought the Article 15 was particularly inconsiderate since I went in on my own after the case was closed and told the truth. Along with the Article 15 I was sent to Correctional Custody for 30 days. The very last Article 15 was for damaging personal property. I disputed the last Article 15 claiming that the rudiments of the alleged offenses were not committed deliberately that I was strained to use panic tactics in order to save from harm myself and my son.

Issue 3: Upon departure of the 463rd MOS, Major [redacted] detached my first Article 15 and every other paperwork that I had received prior to here arrival since I had not gotten in any dilemmas during her time as our Commanding Officer. At the time Master Sergeant [redacted] was the first shirt and witnessed the wash out of my Personal Information File. After Major [redacted] left our squadron Master Sergeant [redacted] did as well. After both of them left the squadron the new Commander wanted copies of all my old paperwork that Major [redacted] and MSgt [redacted] had detached put back in my Personal Information File. During the discharge proceedings MSgt [redacted] reported back to his old squadron and reported to the Commander and current First Shirt asking why my old paperwork was put back in my files after they had been removed by the

ISSUES

[REDACTED]

previous Commanding Officer. He fought for me very hard as a First Sergeant because he knew what was going wrong. The first Article 15 was removed and had been expired for over a year. This is another concern on why I felt this discharge was extremely inconsiderate.

Issue 4: My discharge didn't take into account any of the excellent things I did while serving four years in the United States Air Force. I spent a greater part of my Military time volunteering throughout our squadron and within the community. In a four-year span I received the Top Airman of the month award in March of 2002, the Air Force Good Conduct Metal given to me in the end of 2004 and the Longevity Award in 2005. I accept as true that the Good Conduct Metal is an award that is not given to every soldier; it is an award that has to be earned. I also have received well greater than 20 Letter of Appreciations in a four-year span. I was chosen as the Squadron Fitness Monitor in 2004 with a fitness score of 98%. Not only was I the fitness monitor for my squadron but I also was the Sport Representative as well. I deem within the time I served these are only a small number of things that show my characteristic of being a leader.

Issue 5: I truly believe that my mental health conditions contributed to my wrongdoings. Two months after being discharged from the United States Air Force I was granted a 70% overall disability rating. Fifty percent of that rating was for Service connection major depressive disorder (also claimed as anxiety attacks and stress attacks). I had been seeing a Counselor at Little Rock Air Force base since 2001 where I was extremely depressed and stressed. I was treated for psychological conditions such as anxiety disorder, stress and occupational problem while in the service. I have included a Memo dated 17 Aug 02 stating that I was experiencing problems at work with a Staff Sergeant making degrading remarks towards me and about my family. This same Staff Sergeant was my supervisor until the day I was discharged. I have a Global Assessment of functioning of 45. I have social impairment with reduced reliability and productivity due to such symptoms as flattened affect, circumstantial, circumlocutory, or stereotyped speech; panic attacks more than once a week; difficulty understanding complex commands impairment of short and long term memory; impaired judgment; impaired abstract thinking; disturbances of motivation and mood; difficulty in establishing and maintaining effective work and social relationships. I am a victim of domestic violence and have been since 2001. My ex husband was finally banned from Little Rock Air Base in the end of 2004 for five years for Domestic Violence. I have included Medical record of abuse. My commander required me to go to Life Skills in early 2004 for being suicidal and having suicidal intentions. I am currently taking medication for Depression and to control my attacks.



DEPARTMENT OF THE AIR FORCE
463RD MAINTENANCE OPERATIONS SQUADRON
LITTLE ROCK AFB, ARKANSAS 72099

MEMORANDUM FOR AMN: [REDACTED]

FROM: 463 MOS/CC

SUBJECT: Notification Memorandum

1. 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 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge.
2. My reason for this action is:
 - a. On or about 22 June 2001, you showed up late to the First Term Airman's Center (FTAC). For you actions, you received a Record of Individual Counseling (RIC), dated 22 June 2001.
 - b. On or about 5 October 2001, you failed to report to duty at your appointed time. For your actions, you received a Letter of Reprimand (LOR), dated 9 October 2001.
 - c. On or about 4 October 2001, you signed a false official statement. For your actions, you received an Article 15 under the UCMJ, dated 19 October 2001.
 - d. On or about 29 January 2002, you failed to obey a lawful order. For your actions, you received a vacation of suspended punishment, dated 29 January 2002.
 - e. On or about 14 August 2003, you disrespected a noncommissioned officer. For your actions, you received a Letter of Counseling (LOC), dated 19 August 2003.
 - f. On or about 24 April 2004, you were admonished for failing to show proper respect for authority. For your actions, you received a Letter of Admonishment (LOA), dated 20 April 2004.
 - g. On or about 17 September 2004 and again on or about 21 September, you displayed contempt and showed disrespect towards one of your superiors. For your actions, you received a LOR, dated 24 September 2004.
 - h. On or about 27 November 2004, you willfully and wrongfully damaged the personal property of Airman First Class [REDACTED]. For your actions, you received nonjudicial punishment under Article 15 of the UCMJ, dated 12 January 2005.
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 Captain [REDACTED] at 1255 Vandenberg Blvd, on 10 February, at 1500 hours. 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 ~~10:45~~ 15 Feb 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. You are scheduled for the following appointments. You must first report to the Military Personnel Flight, Separations Section, located at 1255 Vandenberg Blvd, Room 100 on ~~14~~ 14 February 2005 at ~~1000~~ 1445 hours. You must then report to the Medical Clinic, located at 1090 Arnold Dr at ~~1445~~ 1445 hours on 14 February 2005 for your examination. You must fast 14 hours prior to the examination and may drink only water during that time. You must not smoke 14 hours prior, nor may you consume alcohol 72 hours prior to your examination. If you wear glasses, bring them with you. If you wear contact lenses, bring a container to store them in during your eye examination.
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 at the orderly room.
8. Execute the attached acknowledgment and return it to me immediately.



Commander

Attachments:

1. Supporting Documentation
2. Receipt of Notification Memorandum w/Recoupment Statement