

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></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 <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X*+
					X*+
					X*+
					X*+

ISSUES A95.00 A01.00	INDEX NUMBER A67.90	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 11 Jan 2007	CASE NUMBER FD-2006-00199	
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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.

* Reason and Authority
 + Reenlistment Code

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00199

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

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, 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:

The applicant contends she is a single parent and has expressed her desire for upgrade of her discharge to allow for reenlistment into the armed forces. She admits to making mistake in her career due to an unhealthy relationship. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received two Article 15's, two Letters of Reprimand, and a Record of Individual Counseling for misconduct. The applicant received her first Article 15 for committing an indecent sexual act in a public place. She was punished with a suspended reduction in grade to Airman Basic, restriction to the limits of Dover AFB for 30 days, 30 days extra duty, and a reprimand. She received her second Article 15 for disobeying a no-contact order and theft of money from the Dental Squadron Airman's Forum. She was reduced in grade to Airman Basic, restricted to Dover AFB for 30 days and 20 days of extra duty. The applicant had further misconduct and was disciplined for dereliction of duty and making a false official statement. 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.

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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Dover AFB, DE on 29 Sep 03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, to Change the RE Code, and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 11 Aug 79. Enlmt Age: 22 0/12. Disch Age: 24 1/12. Educ: HS DIPL. AFQT: N/A. A-61, E-62, G-64, M-44. PAFSC: 4Y031 - Dental Assistant Apprentice. DAS: 31 Jan 02.

b. Prior Sv: (1) AFRes 21 Aug 01 - 16 Oct 01 (1 month 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Oct 01 for 4 yrs. Svd: 01 Yrs 11 Mo 13 Das, all AMS.

b. Grade Status: AB - 21 Aug 03 (Article 15, 21 Aug 03)
Amn - 17 Apr 02

c. Time Lost: None.

d. Art 15's: (1) 21 Aug 03, Dover AFB, DE - Article 92. You, having knowledge of a written lawful order issued by Maj [redacted], to wit: you were to have no contact with [redacted], dated 11 Feb 03, an order which it was your duty to obey, did, between on or about 16 Jul 03 and 8 Aug 03, fail to obey the same by wrongfully having contact with [redacted]. Article 121. You, did, on or about 22 Mar 03, steal money, of a value of about \$250.00, the property of 436th Aeromedical Dental Squadron Airman's Forum. Reduction to AB, restriction to the limits of the Industrial Side of Dover AFB, Delaware for 30 days, and 20 days extra duty. (Appeal/Granted) (No mitigation)

(2) 10 Mar 03, Dover AFB, DE - Article 134. You, did, at or near Smyrna, Delaware, on or about 23 Feb 03, wrongfully commit an indecent act with Amn [redacted] by performing oral sex in a public place outside the Crystal Palace nightclub. Suspended reduction to AB. Restriction to the limits of the Industrial side of Dover AFB, Delaware for 30 days. Thirty days extra duty, and a reprimand. (No appeal) (No mitigation)

- e. Additional: RIC, 08 JUL 03 - Dereliction of duty.
LOR, 11 FEB 03 - Dereliction of duty, and making a false
official statement.
LOR, 01 OCT 02 - Dereliction of duty.
- f. CM: None.
- g. Record of SV: 18 Oct 01 - 17 Jun 03 Dover AFB 4 (Initial)REF
- h. Awards & Decs: NDSM, AFTR, AFOUA.
- i. Stmt of Sv: TMS: (02) Yrs (01) Mos (09) Das
TAMS: (01) Yrs (11) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 May 06.
(Change Discharge to Honorable, amd Change the RE Code, Reason for
Discharge)

Issue 1: I am now a single mom & would like the option to rejoin the USAF. I was in a very unhealthy relationship and did whatever it took to be with him including disobey my commanders. I am a changed person and am a mom now. I am no longer with that person and would like the option to re-join if it is possible.

Issue 2: I was a dental assistant and loved my job. My aspirations have always been to be a dentist or doctor. I am the most responsible that one person can be. I was in a bad time in my life because of the person that I was with at the time. Please consider changing my status of discharge. Thank you for your time.

ATCH

- 1. DD Form 214.

21JUN06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 436TH AIRLIFT WING (AMC)

FD 2006-00199

15 Sep 2003

MEMORANDUM FOR AB: [REDACTED], 436 AMDS

FROM: 436 ADOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, specifically Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, para 5.50.2. If my recommendation is approved, your service may be characterized as Honorable or General. I am recommending that your service be characterized as General.
2. My reasons for this action are:
 - a. You, having knowledge of a written lawful order issued by Major [REDACTED], to wit: you were to have no contact with [REDACTED], dated 11 Feb 03, an order which it was your duty to obey, did, at or near Dover Air Force Base, Delaware, between on or about 16 Jul 03 and 8 Aug 03, fail to obey the same by wrongfully having contact with [REDACTED]. For this misconduct you received an Article 15, dated 21 Aug 03.
 - b. You, did, at or near Dover Air Force Base, Delaware, on or about 22 Mar 03, steal money, of a value of about \$250.00, the property of the 436th Aeromedical Dental Squadron Airman's Forum. For this misconduct you received an Article 15, dated 21 Aug 03.
 - c. You, at or near Dover Air Force Base, Delaware, on or about 24 Jun 03, were derelict in the performance of your duties in that you failed to adequately clean the suction unit and trap in a room in which you were responsible for maintaining the cleanliness of the equipment. For this misconduct you received a Letter of Counseling, dated 8 Jul 03.
 - d. You, did, at or near Smyrna, Delaware, on or about 23 Feb 03, wrongfully commit an indecent act with Airman: [REDACTED] by performing oral sex in a public place, outside the Crystal Palace nightclub. For this misconduct you received an Article 15, dated 10 Mar 03.
 - e. You, at or near Dover Air Force Base, Delaware, on or about 11 Feb 03, wrote a false official statement. For this misconduct you received a Letter of Reprimand, dated 11 Feb 03.
 - f. You, at or near Dover Air Force Base, Delaware, on or about 1 Oct 02, were derelict in the performance of your duties in that you had unauthorized contact with Seaman: [REDACTED], a person with whom you had been ordered not to have contact with. For this misconduct you received a Letter of Reprimand, dated 1 Oct 02.

Copies of the documents to be forwarded to the separation authority to support this recommendation are attached. The commander exercising SPCM 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 and any special pay, bonus, or higher education assistance funds 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 the Dover Air Force Base Area Defense Counsel, Capt: [redacted], at 677-6995, Building 263, Third Floor, on Sep 03 at _____. You may consult civilian counsel at your own expense.

4. You have been scheduled for a **medical examination**. You must report to ~~Family Practice, Second~~ ^{Flight Medicine First} Floor, Building ~~305~~ ³⁰⁸, on 16 Sep 03 at 1450 hours with Dr. McFall. If you have any questions or need to reschedule this appointment, please call 677-6130.

5. You have been scheduled for a **Separations Briefing**. Please report to Building 520, Room 112, on 16 Sep 03 at 0900 hours. If you have any questions or need to reschedule this appointment, please call 677-4579.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays unless you request and receive an extension for good cause. I will send your statement to the separation authority. Any personal information you furnish to me will be protected under the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the orderly room.

7. 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.

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

[Redacted Signature]

Commander, 436th Aeromedical Dental Squadron

Attachments:

- 1. Airman's Receipt of Notification Memorandum
- 2. ID Card Withdrawal Letter
- 3. Article 15, dated 21 Aug 03
- 4. Letter of Counseling, dated 8 Jul 03
- 4. Article 15, dated 10 Mar 03
- 5. Letter of Reprimand, dated 11 Feb 03
- 6. Letter of Reprimand, dated 1 Oct 02