

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE AMN	AFSN/SSAN []
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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
[]					X
[]					X
[]					X
[]					X
[]					X

ISSUES A94.53	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 25 Jul 2007	CASE NUMBER FD-2006-00277	
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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.

[]	[]
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INDORSEMENT		DATE: 7/30/2007
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-2006-00277

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

The applicant submitted no issues and requested that the review be completed based on the available service record. 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 had a Special Court Martial for making a false official statement to a physician and trying to avoid her service as a Security Forces member by exaggerating headaches. She was sentenced to 60 days of hard labor without confinement, forfeiture of pay for three months, reduction in grade to Airman and restriction to Minot AFB for 30 days. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior. The Board concluded the applicant's 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Minot AFB, ND on 10 Jan 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Oct 76. Enlmt Age: 21 7/12. Disch Age: 23 2/12. Educ: HS DIPL. AFQT: N/A. A-24, E-29, G-37, M-27. PAFSC: 3P031 - Security Forces Apprentice. DAS: 29 Jan 99.

b. Prior Sv: (1) AFRes 28 May 98 - 15 Sep 98 (3 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 16 Sep 98 for 4 yrs. Svd: 01 Yrs 03 Mo 25 Das, all AMS.

b. Grade Status: Amn - 29 Oct 99 (SPCMO#1, 17 Nov 99)
A1C - Unknown

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 03 DEC 99 - Making a false statement.
LOR, 15 NOV 99 - Involved in a verbal confrontation.
LOR, 21 OCT 99 - Failure to go.

f. CM: Special Court Martial Order No.1 - 17 Nov 99

CHARGE I: Article 107. Plea: NG. Finding: G.

Specification: In that, A1C [REDACTED], US Air Force, 5th Security Forces Squadron, Minot AFB, ND, did at or near Minot AFB, ND, on or about 3 Jun 99, with intent to deceive make to Capt [REDACTED], a physician with the 5th Medical Group, an official statement, to wit: "Tried Parafon and Motrin and not helping much" or words to that effect, which statement was false in that she had not tried the Parafon Forte, and was then known by her to be so false. Plea: NG. Finding: G.

CHARGE II: Article 115. Plea: NG. Finding: G.

Specification: In that, A1C [REDACTED], US Air Force, 5th Security Forces Squadron, Minot AFB, ND, did at or near Minot AFB, ND, from on or about 1 Jun 99 to about 21 Jun 99, for the purpose

of avoiding her service as a Security Forces member, feign and/or exaggerate headaches. Plea: NG. Finding: G. Sentence adjudged on 15 Oct 99: Hard labor without confinement for 60 days, forfeiture of \$200.00 pay per month for 3 months, reduction to airman, and restriction to Minot AFB, ND for 30 days.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (01) Yrs (07) Mos (13) Das
TAMS: (01) Yrs (03) Mos (25) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 25 Jul 06.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

11SEP06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5TH BOMB WING (ACC)
MINOT AIR FORCE BASE, NORTH DAKOTA

FD 2006-00 277
U.S. AIR FORCE



MEMORANDUM FOR AMN: [REDACTED] 5 SFS

FROM: 5 SFS/CC

JAN 02 2000

SUBJECT: Letter of Notification - AFI 36-3208, Paragraph 5.49.

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, minor disciplinary infractions. The authority for this action is AFI 36-3208, Section H, paragraph 5.49. If my recommendation is approved, your discharge will be characterized as general or honorable. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 3 Oct 99, you failed to go at the time prescribed to your appointed place of duty. You were given a Letter of Reprimand (LOR) on 21 Oct 99. (Atch 3)

b. On or about 13 Nov 99, you were involved in a verbal confrontation with another military member which was almost escalated because of your hand gestures etc. You were given a LOR on 15 Nov 99. (Atch 4)

c. On or about 15 Oct 99, you were convicted by a Special Court-Martial. You were sentenced to hard labor without confinement for 60 days, forfeiture of \$200.00 pay per month for 3 months, reduction to airman, and restricted to Minot Air Force Base for 30 days for the following offenses (Atch 5):

(1) You did on or about 3 Jun 99, with intent to deceive, make to a Commissioned Officer an official statement, to wit: "Tried Parafor and Motrin and not helping much" or words to that effect, which statement was false in that you had not tried the Parafor Forte, and was then known by you to be so false.

(2) You did on or about 1 Jun 99 to on or about 21 Jun 99, for the purpose of avoiding your service as a Security Forces member, feign and/or exaggerate headaches.

d. It was made known, by matters you submitted to the Convening Authority, that you made a false statement, to wit: "I have also been carrying out my restriction to base since 15 Oct 99....I ask that you take the time that I have been wearing my reduced

SPCMO No. 5, 10 September 1999, was the last SPCMO of this headquarters published in FY99

**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5TH BOMB WING
MINOT AIR FORCE BASE, NORTH DAKOTA 58705-5038**

Special Court-Martial Order
No. 1

17 November 1999

AIRMAN FIRST CLASS: [REDACTED]; United States Air Force, 5th Security Forces Squadron, Minot Air Force Base, North Dakota, on the following offenses at a court-martial convened by this headquarters.

CHARGE I: ARTICLE 107. Plea: NG. Finding: G.

Specification: In that, Airman First Class: [REDACTED]; United States Air Force, 5th Security Forces Squadron, Minot Air Force Base, North Dakota, did at or near Minot Air Force Base, North Dakota, on or about 3 June 1999, with intent to deceive make to Capt: [REDACTED]; a physician with the 5th Medical Group, an official statement, to wit: "Tried Parafon and Motrin and not helping much" or words to that effect, which statement was false in that she had not tried the Parafon Forte, and was then known by her to be so false. Plea: NG. Finding: G.

CHARGE II: ARTICLE 115. Plea: NG. Finding: G.

Specification: In that, Airman First Class: [REDACTED]; United States Air Force, 5th Security Forces Squadron, Minot Air Force Base, North Dakota, did, at or near Minot Air Force Base, North Dakota from on or about 1 June 1999 to about 21 June 1999, for the purpose of avoiding her service as a Security Forces member, feign and/or exaggerate headaches. Plea: NG. Finding: G.

18 Dec resir
2 Jan HL
12 hr days
6 day per week

SENTENCE

Sentence adjudged by officer and enlisted members on 15 October 1999: Hard labor without confinement for 60 days, forfeiture of \$200.00 pay per month for 3 months, reduction to airman, and restriction to Minot Air Force Base, North Dakota for 30 days.

ACTION

In the case of AIRMAN FIRST CLASS [redacted] United States Air Force, 5th Security Forces Squadron, the sentence is approved and will be executed.

[redacted]

Commander

FOR THE COMMANDER

[redacted]

Staff Judge Advocate

DISTRIBUTION:

- 1 - Amn: [redacted] 5 SFS, 330 Tanker Trail, Minot AFB, ND 58705 (ACC)
- 1 - Lt Col: [redacted] 5 CES, 320 Peacekeeper Place, Minot AFB, ND 58705 (PRES)
- 1 - Lt Col: [redacted] AFLSA/JAJT3, Central Circuit, Randolph AFB, TX 78150 (MJ)
- 1 - Capt: [redacted] 5 BW/JA 300 Summit Drive, Suite 211, Minot AFB, ND 58705 (TC)
- 1 - Maj: [redacted] 5 BW/JA 300 Summit Drive, Suite 211, Minot AFB, ND 58705 (ATC)