

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 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
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 A94.06	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 08 Mar 2007	CASE NUMBER FD-2006-00303	
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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.

X - Discharge is upgraded to Honorable.

INDORSEMENT	DATE: 3/9/2007
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, 3RD FLOOR ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00303

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: The board grants the requested relief. Discharge is upgraded to Honorable.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's characterization for discharge inequitable.

ISSUE: Applicant contends her discharge was inequitable because it was too harsh. The Board reviewed the entire record and found evidence of an inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received an Article 15 and one Letter of Reprimand for misconduct. The misconduct included civilian court conviction for underage drinking in a bar and misrepresentation of age and failure to obey a lawful order. The Board noted the two incidents of misconduct occurred within one month of each other. The DRB opined that the applicant was not provided adequate probation and rehabilitation. The Board concluded there was sufficient mitigation to substantiate upgrade of the discharge. Specifically, the Board found the characterization too harsh.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable. The applicant's characterization should be changed to Honorable under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Minot AFB, ND on 11 Mar 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 May 78. Enlmt Age: 19 9/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-31, E-39, G-41, M-15. PAFSC: 3M031 - Services Apprentice. DAS: 8 Sep 98.

b. Prior Sv: (1) AFRes 12 Feb 98 - 5 May 98 (2 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 May 98 for 4 yrs. Svd: 00 Yrs 10 Mo 06 Das, all AMS.

b. Grade Status: Amn - 6 Nov 98

c. Time Lost: None.

d. Art 15's: (1) 19 Jan 99, Minot AFB, ND - Article 92. You, having knowledge of a lawful order issued by SSgt [redacted] to report for work at 0730 on 27 Dec 98, an order which it was your duty to obey, did, on or about 27 Dec 98, fail to obey the same by wrongfully not reporting for work at the appointed time. Restriction to Minot AFB, ND for 10 days. Ten days extra day. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 08 FEB 99 - Civilian Court conviction for under age in a Bar and misrepresentation of age.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (01) Mos (00) Das
TAMS: (00) Yrs (10) Mos (06) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 04 Aug 06.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

17OCT06/ia



DEPARTMENT OF THE AIR FORCE

91ST SPACE WING (AFSPC)

FD 2006-00303

23 FEB 1999

MEMORANDUM FOR AMN [REDACTED], 740 MS

FROM: 740 MS/CC

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

1. On 27 Jan 99, I recommended your discharge from the United States Air Force for a condition that interferes with military service; specifically, a mental disorder in accordance with AFI 36-3208, Section B, paragraph 5.11.1. Because of the misconduct that you have recently been involved in, I am now 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 27 Dec 97, you failed to obey a lawful order given to you by a noncommissioned officer by wrongfully not reporting for work at the appointed time. You were punished under Article 15 of the UCMJ on 19 Jan 99 and an Unfavorable Information File (UIF) was established. (Atch 3-6)

b. On or about 29 Jan 99, following a guilty plea you were convicted by Minot Municipal Court for being underage in a bar. You were fined \$150.00 and ordered to pay \$25.00 in administration fee, and sentenced to 3 days in jail (suspended on good behavior). Furthermore, you were also convicted of misrepresentation of age. You were fined \$150.00 and sentenced to 3 days to run concurrently with previous charge. You were given a Letter of Reprimand (LOR) on 8 Feb 99 and this was added to your existing UIF on 11 Feb 99. (Atch 7-10)

3. The Letter of Notification and attachments are to be forwarded to the separation authority in support of this recommendation. The Commander exercising SPCM jurisdiction (5 BW/CC) 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 consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain [REDACTED] Area Defense Counsel, at his office, 300 Summit Drive, Room 306A, at 1410 hours, on _____, 1999. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1410 hours, on 4 MARCH, 1999, unless you request and receive an extension for good cause shown. I will send them to the separation authority.
6. 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.
7. You have been scheduled for a medical examination. You must report to the 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND at _____ hours, on _____, 1999, for the examination. You must not consume alcoholic beverages 72 hours prior to the exam.
8. The Privacy Act Statement of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is provided to you.
9. Sign the attached acknowledgment and the Statement of Understanding and return them to me immediately.



Commander, 740th Missile Squadron

Attachments:

1. Receipt of Letter of Notification
2. Statement of Understanding
3. AF FM 3070, Record of Nonjudicial Punishment Proceedings, 20 Jan 99
4. AF FM 3545, Incident Report, 28 Dec 97
5. AF FM 1168, Statement of Suspect, Amn Heffelfinger, 28 Dec 98
6. Response to Article 15, 13 Jan 99
7. Letter of Reprimand, 8 Feb 99
8. AF FM, 1058, Unfavorable Information File Action, 11 Feb 99
9. Civilian Court Conviction, 29 Jan 99
10. Civilian Court Conviction, 29 Jan 99