

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
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES		
	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 A94.53	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 06 Feb 2007	CASE NUMBER FD-2006-00316	
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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.

INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 2/8/2007 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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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 applicant had received three Articles 15, two Vacations' and a Letter of Reprimand for misconduct. The applicant's first Article 15 was for having sexual intercourse with a married man. She was punished with a suspended reduction in grade to Airman First Class, forfeiture of \$400.00 pay for two months, and a reprimand. The applicant received a Vacation action of the suspended reduction in grade for causing damage to a passenger vehicle by scratching it with a key. The second Article 15 was for damaging a screen door and screen; scratching the vehicle of another airman with a key; and scratching another airman on the arms, chest and face with her fingernails. She received a suspended reduction in grade to Airman, restricted to Dover AFB for 30 days which was deferred until November 21, 2005. The applicant received her second Vacation of the suspended reduction in grade to Airman for failing to obey a lawful order by contacting another airman (the married man from the first Article 15). Her final Article 15 was for failure to obey a no-contact order and driving in a reckless manner. She received a reduction in grade to Airman Basic and a reprimand. Applicant also had misconduct in which she was administratively disciplined for failure to obey a no-contact order, dorm room infractions, and for being in a government vehicle as a passenger and driving outside of the limits of base. 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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Dover AFB, DE on 25 Jan 06 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: 26 Sep 82. Enlmt Age: 18 2/12. Disch Age: 23 3/12. Educ: HS DIPL. AFQT: N/A. A-63, E-52, G-57, M-08. PAFSC: 1C351 - Command Post Journeyman. DAS: 5 Apr 02.

b. Prior Sv: (1) AFRes 13 Dec 00 - 31 Jul 01 (7 months 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 01 Aug 01 for 6 yrs. Svd: 04 Yrs 05 Mo 25 Das, all AMS.

b. Grade Status: AB - 23 Dec 05 (Article 15, 23 Dec 05)
Amn - 16 Nov 05 (Vacation of Article 15, 19 Dec 05)
A1C - 13 Jun 05 (Vacation of Article 15, 01 Nov 05)
SrA - 01 Dec 03

c. Time Lost: None.

d. Art 15's: (1) 23 Dec 05, Dover AFB, DE - Article 92. You, having knowledge of a lawful order issued by Major [REDACTED], to wit: Military Protective Order, dated 21 Oct 05, an order which it was your duty to obey, did, at or near Dover AFB, Delaware, on or about 10 Dec 05, fail to obey the same by wrongfully communicating with SrA [REDACTED] Article 111. You, did at or near Dover AFB, Delaware, on or about 10 Dec 05, in the area of Quarters 1064-C, 3rd Ave, operate a vehicle, to wit: a passenger car in a wanton manner by operating close behind, maneuvering abruptly around and abruptly stopping in front of another vehicle. Reduction to AB, and a reprimand. Restriction to the limits of the industrial side of Dover AFB for 45 days and 14 days extra duty both deferred. (No appeal) (No mitigation)

(2) 19 Dec 05, Vacation, Dover AFB, DE - Article 92. You, having knowledge of a lawful order issued by Major [REDACTED], to wit: Military Protective Order, dated 21 Oct 05, an order which it was your duty to obey, did, at or near Dover AFB, Delaware, on or about 10 Dec 05, fail to obey the same by wrongfully

communicating with SrA [REDACTED]. Reduction to the grade of Airman. (No appeal) (No mitigation)

- (3) 16 Nov 05, Dover AFB, DE - Article 108. You did, at or near Dover AFB, Delaware, on or about 20 October 2005, without proper authority, willfully damage a screen door and screen, military property of the United States. Article 109. You did, at or near Dover AFB, Delaware, on or about 20 Oct 05, willfully and wrongfully damage by scratching with a key a vehicle, the property of SrA [REDACTED]. You did, at or near Dover AFB, Delaware, on or about 20 Oct 05, willfully and wrongfully damage by scratching with a key a vehicle, the property of SrA [REDACTED]. Article 128. You did, at or near Dover AFB, Delaware, on or about 20 Oct 05, unlawfully scratch SrA [REDACTED] on the arms, chest, and face with your fingernails. Suspended reduction to the grade of Airman, restriction to the limits of the industrial side of Dover AFB, Delaware, for 30 days, deferred until 21 November 2005. Reprimand. (No appeal) (No mitigation)
- (4) 01 Nov 05, Vacation, Dover AFB, DE - Article 109. You, did, at or near Dover, Delaware, on or about 20 Oct 05, willfully and wrongfully damage by scratching it with a key, a passenger vehicle, of some value, the property of SrA [REDACTED]. Reduction to A1C. (No appeal) (No mitigation)
- (5) 13 Jun 05, Dover AFB, DE - Article 134. You, did, at or near Dover, Delaware, between on or about 22 Apr 05 and on or about 11 May 2005, wrongfully have sexual intercourse with SrA [REDACTED], a married man. Suspended reduction to A1C. Forfeiture of \$400.00 pay per month for two months. Reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 04 JAN 06 - Disobeying a lawful order.
 LOC, 08 NOV 02 - Numerous dorm room infractions.
 LOC, 25 JUN 02 - Dereliction of duty.

f. CM: None.

g. Record of SV: 01 Aug 01 - 15 Jan 03 Dover AFB 5 (HAF Dir)
 16 Jan 03 - 15 Jan 04 Dover AFB 5 (Annual)
 16 Jan 04 - 10 Dec 04 Dover AFB 5 (CRO)
 11 Dec 04 - 10 Dec 05 Dover AFB 1 (Annual) REF

h. Awards & Decs: AFAM, NDSM, AFTR, AFESR W/GB, GWOTEM, GWOTSM, AFLSAR, AFOUA W/3 DEVS.

i. Stmt of Sv: TMS: (05) Yrs (01) Mos (13) Das
 TAMS: (04) Yrs (05) Mos (25) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 04 Aug 06.

(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

14SEP06/ia



DEPARTMENT OF THE AIR FORCE
436th MISSION SUPPORT SQUADRON (AMC)
DOVER, DELAWARE 19901

FD 2006-003/6

JAN 18 2006

MEMORANDUM FOR AB: [REDACTED], 436 MSS

FROM: 436 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Conduct Prejudicial to Good Order and Discipline. 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 Honorable or Under Honorable Conditions (General). I am recommending that your service be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

a. On or about 1 January 2006, you failed to obey a lawful order to have no contact with SrA Derek Jones. For this misconduct you received a Letter of Reprimand, dated 4 January 2006;

b. On or about 10 December 2005, you failed to obey a lawful order to have no contact with SrA [REDACTED]. On or about 10 December 2005, you operated a vehicle in a wanton manner by operating close behind, maneuvering abruptly around and abruptly stopping in front of another vehicle. For these acts of misconduct you received Article 15 punishment, dated 23 December 2005. This document was added to your Unfavorable Information File (UIF);

c. On or about 10 December 2005, you failed to obey a lawful order to have no contact with SrA Derek Jones. For this misconduct you received a Vacation of Suspended Article 15 Punishment, dated 19 December 2005;

d. On or about 20 October 2005, you willfully damaged a screen door and a screen, military property of the United States. On or about 20 October 2005, you willfully and wrongfully damaged, by scratching with a key, SrA [REDACTED] vehicle. On or about 20 October 2005, you willfully and wrongfully damaged, by scratching with a key, SrA [REDACTED] vehicle. On or about 20 October 2005, you unlawfully scratched SrA [REDACTED] on the arms, chest and face with your fingernails. For these acts of misconduct you received Article 15 punishment, dated 16 November 2005;

e. On or about 20 October 2005, you willfully and wrongfully damaged, by scratching with a key, SrA Derek Jones' vehicle. For this misconduct you received a Vacation of Suspended Article 15 Punishment, dated 1 November 2005;

f. Between on or about 22 April 2005 and on or about 11 May 2005, you wrongfully had sexual intercourse with SrA [REDACTED], a married man. For this misconduct you received Article 15 punishment, dated 13 June 2005;

g. During the month of October 2002, you admitted to a number of infractions relating to your dormitory room, to include: leaving your stereo on loud for hours while not in your room, having an overnight guest without permission and failure to coordinate a cleaning schedule with your latrine-mate. For this misconduct you received a Letter of Counseling, dated 8 November 2002; and,

h. On or about 1 June 2002, while on temporary duty (TDY) to Scott AFB, Il, you were a passenger in a government vehicle that was driven beyond the distance limits for which you had been briefed by your C2 School Staff. For this misconduct you received a Letter of Counseling, dated 25 June 2002.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the United States 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 education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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 Capt: [redacted] at Bldg 263, Third Floor, on Wednesday, 18 January 2006, at 1400 hrs. 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 3 duty days 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 Family Practice, Bldg 305, Second Floor on Friday, 20 January 2006 with Capt: [redacted] at 0730 hrs for the examination.

8. You have been scheduled for a Separations briefing. Please report to Building 261, Room 102, on Thursday, 19 January 2006 at 1030 hrs. If you have any questions regarding this appointment, please call 2155.

9. 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.

10. Execute the attached acknowledgment and return it to me immediately.

[Redacted signature box]

Commander