

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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|---|----------------------------|--|---|--|-------------------------------------|--------------------------------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [] | | GRADE A1C | AFSN/SSAN [] | | | |
| TYPE GEN | PERSONAL APPEARANCE | X | RECORD REVIEW | | | |
| COUNSEL | | NAME OF COUNSEL AND OR ORGANIZATION | | | | |
| YES | No | ADDRESS AND OR ORGANIZATION OF COUNSEL | | | | |
| | X | | | | | |
| MEMBER SITTING [] | | VOTE OF THE BOARD | | | | |
| | | HON | GEN | UOTHC | OTHER | DENY |
| | | | | | | 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 20 Apr 2007 | | CASE NUMBER FD-2006-00328 | | | | |
| 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. | | | | | | |
| [] | | | | | | |
| INDORSEMENT | | | DATE: 4/20/2007 | | | |
| 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

FD-2006-00328

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: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, three Letters of Reprimand, one Letter of Counseling, four Records of Individual Counseling and two Memorandums for Record for misconduct. The misconduct included lack of discipline, disrespect for the flag, misuse of a government computer, violation of dress and appearance standards, making a false statement, failure to follow instructions, inattention to detail, misinforming a customer, loss of military bearing, leaving a counseling session without permission, leaving the work area without permission, misuse of the telephone, insubordinate and disrespectful conduct to supervisor and co-workers, and disobeying a lawful order. 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Minot AFB, ND on 2 Jun 06 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Nov 81. Enlmt Age: 19 2/12. Disch Age: 24 6/12. Educ: HS DIPL. AFQT: N/A. A-45, E-39, G-47, M-28. PAFSC: 2S031 - Supply Management Apprentice. DAS: 17 Aug 01.

b. Prior Sv: (1) AFRes 29 Jan 01 - 27 Feb 01 (29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Feb 01 for 6 yrs. Svd: 05 Yrs 03 Mo 05 Das, all AMS.

b. Grade Status: A1C - 17 Jan 06 (Article 15, 17 Jan 06)
SrA - 20 Aug 03
A1C - 20 Apr 01

c. Time Lost: None.

d. Art 15's: (1) 17 Jan 06, Minot AFB, ND - Article 90. You, having received a lawful command from 2Lt [redacted], your superior commissioned officer, then known by you to be your superior commissioned officer, "go back outside and stand with the group of deployers you are escorting," or words to that effect, did, on or about 3 Jan 06, willfully disobey the same. Article 92. You, having knowledge of a lawful order issued by SSgt [redacted], to wit: "You need to get to work now," an order which it was your duty to obey, did, on or about 3 Jan 06, fail to obey the same by not going to work. Article 86. You did, on or about 3 Jan 06, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Customer Service Section, 341 Bomber Boulevard. Article 86. You did, on or about 4 Jan 06, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Customer Service Section, 341 Bomber Boulevard. Reduction to A1C. Suspended forfeiture of \$300.00 pay per month for two months. (No appeal) (No mitigation)

e. Additional: LOR, 15 MAY 06 - Insubordinate and disrespectful conduct to supervisor and co-workers.

MFR, 11 MAY 06 - Misuse of the telephone in front of customers.
 MFR, 11 MAY 06 - Leaving the work area without informing supervisors where she was going.
 RIC, 27 APR 06 - Loss of military bearing and leaving a counseling session without permission.
 RIC, 26 APR 06 - Inattention to detail and misinforming a customer.
 RIC, 26 APR 06 - Failure to follow instructions.
 LOR/UIF, 22 DEC 05 - Making a false statement.
 RIC, 18 JUL 05 - Violation of dress and appearance standards.
 LOR, 03 OCT 02 - Misuse of the government computer.
 LOC, 30 SEP 02 - Lack of discipline and respect for the Flag of the United States and Military Tradition.

f. CM: None.

g. Record of SV: 28 Feb 01 - 27 Oct 02 Minot AFB 4 (Initial)
 28 Oct 02 - 27 Oct 03 Minot AFB 4 (Annual)
 28 Oct 03 - 27 Oct 04 Minot AFB 3 (Annual)
 28 Oct 04 - 27 Oct 05 Minot AFB 3 (Annual)
 28 Oct 05 - 17 Feb 06 Minot AFB 2 (Cmdr Dir)REF

h. Awards & Decs: AFTR, NDSM, AFLSAR, AFOUA, GWOTSM.

i. Stmt of Sv: TMS: (05) Yrs (04) Mos (04) Das
 TAMS: (05) Yrs (03) Mos (05) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 08 Aug 06.
 (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Congressional Correspondence.
3. Discharge Correspondence.
4. Unemployment Documents.
5. Discharge Documents.

19SEP06/ia

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

OMB No. 0704-0004 OMB approval expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one) ARMY MARINE CORPS NAVY AIR FORCE COAST GUARD

b. NAME (Last, First, Middle Initial) c. GRADE/RANK AT DISCHARGE d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION 4. DISCHARGE CHARACTERIZATION RECEIVED (X one) 5. BOARD ACTION REQUESTED (X one)

2006-06-02 HONORABLE GENERAL/UNDER HONORABLE CONDITIONS UNDER OTHER THAN HONORABLE CONDITIONS BAD CONDUCT UNCHARACTERIZED OTHER CHANGE TO HONORABLE CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED CHANGE NARRATIVE REASON FOR SEPARATION TO:

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST I would like to get my discharge change from general under honorable conditions to honorable discharge. I would like to use my benefits, and because I feel that

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE:

9. TYPE OF REVIEW REQUESTED (X one)

X CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.

10.a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS b. TELEPHONE NUMBER c. E-MAIL d. FAX NUMBER

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION.

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE b. TELEPHONE NUMBER c. E-MAIL d. FAX NUMBER

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim.

a. SIGNATURE - REQUIRED b. DATE SIGNED - REQUIRED 2006/Aug. 08

14. CONTINUATION OF ITEM 8, ISSUES (if applicable)

I feel ~~that my~~ discharge was unjustice. I received an article 15, and continow paperwork followed this matter ~~when~~ after ~~receiving my article~~, ~~when I had~~ I have paperwork from my commander ordering me to go to see life skills, but I had already went to see life skills and agreed to go to the hospital and stay.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (if applicable)

Enclosed I have attached my Personal, my rebuttal, Information and my commander's Rebuttal. I received one article 15 and there were no prior paperwork supporting this my article 15th, but I also understand that there didn't have to be any, but I feel that it was unjustice

16. REMARKS (if applicable)

To whom it may concern:
 I would just like to see my discharge reversed, because This matter has been, stressful to me emotionally & financial, I ~~we~~ haven't had any luck with finding a job, and I can't receive my benefits for school, which I'm attending and having to pay out of my pocket, ~~when~~ ~~having trouble with getting my benefits.~~ I paid for my GI Bill so that I could in fact receive my education Benefits when I had got out, and I don't feel that my instance were merits ~~for~~ for a general discharge.

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

Army Review Boards Agency
 Support Division, St. Louis
 9700 Page Avenue
 St. Louis, MO 63132-5200
 (See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
 720 Kennon Street, S.E.
 Room 309 (NDRB)
 Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
 SAF/MRBR
 550-C Street West, Suite 40
 Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
 Commandant (G-WPM)
 2100 Second Street, S.W. Room 5500
 Washington, DC 20593



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

FD 2006-00328

22 May 06

MEMORANDUM FOR A1C: [REDACTED]

FROM: 5 LRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. On or about 15 May 06, you were disrespectful and insubordinate to your supervisor and co-workers by raising in your voice and telling everyone in the office to go to hell. You received a Letter of Reprimand (LOR), dated 15 May 06.

b. Between on or about 19 Apr 06 and on or about 25 Apr 06 you provided erroneous information to one of our customers. You should pay closer attention to detail and always provide accurate information to the customers, your peers, and your supervision. You received a Record of individual Counseling (RIC), dated 26 Apr 06.

c. On or about 13 Apr 06, you did not show up for work at 0730 as previously instructed. When you did show you stated you were doing physical training (PT). You were counseled for failing to mention your whereabouts to anyone or placing the appointment on the Chief of Customer Service, [REDACTED] Outlook Calendar. You received an RIC, dated 26 Apr 06.

d. On or about 26 Apr 06, during a counseling session with SSgt [REDACTED] and [REDACTED] you became very agitated and walked out. You were counseled for not maintaining your military bearing and for departing a counseling session without being dismissed. You received an RIC, dated 27 Apr 06.

e. Between on or about 3 Jan 06 and on or about 4 Jan 06, at or near Minot Air Force Base, North Dakota, you were involved in the following misconduct:

(1) You having receiving a lawful command from 2d Lt [REDACTED], your superior commissioned officer, then known by you to be your superior commissioned officer, to wit: go back outside and stand with the group of deployers you are escorting, or words to that effect, which order you failed to obey.

(2) You having knowledge of a lawful order, issued by SSgt: [redacted] to wit: You need to get back to work now, an order which it was your duty to do, which order you failed to obey.

(3) Without authority you failed to go at the time prescribed to your appointed place of duty, to wit: Customer Service Section, 341 Bomber Boulevard.

For this misconduct, you were punished under Article 15 of the UCMJ on 17 Jan 06. This Art 15 was added to your existing Unfavorable Information File (UIF).

f. On or about 22 Dec 05 you made a false official statement to the Chief of Customer Service, Mr.: [redacted] You received an LOR, dated 22 Dec 05.

g. On or about 12 Jul 05, Mr.: [redacted] had mentioned your hair was out of regulations because of the unnatural looking color. You were told to correct it by 18 Jul 06 at which time you failed to do. You received an RIC, dated 18 Jul 05.

h. On or about 12 Sep 02 you typed a personal letter on a military computer and then saved it to a file in the learning resources center. You were previously informed government computers are for official purposes only. You received an LOR, dated 3 Oct 02.

i. On or about 30 Sep 02, you were seen walking from building 505 to the base gas station during Retreat. You failed to show the proper customs and courtesies by coming to attention and saluting. You received a Letter of Counseling (LOC), dated 30 Sep 02.

3. OTHER INFORMATION:

a. On or about 22 Feb 06, Major: [redacted] a psychiatrist from the 5 MDG, diagnosed you with an Adjustment Disorder with Mixed Disturbance of Emotions and conduct. This does not render you unfit for duty; however it renders you temporarily unstable and inadaptable to the military.

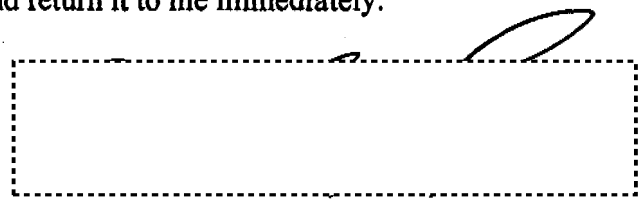
b. On or about 11 May 06, it was documented by your supervisor, SSgt: [redacted] that without authority, you left your work station.

c. On or about 11 May 06, it was documented you were making complaints about the way you were being treated in the squadron in front of two customers.

d. On or about 22 Dec 05, you were given a Military Protective Order, DD Form 2873, to stay away from SrA: [redacted] due to the fact you were constantly harassing and stalking this Airman.

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] at 300 Summit Drive, Suite 306A, on _____, at _____ hours. 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 25 May 06 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 5th Medical Group, 10 Missile Ave on 30 May 06, at 1420 hours for the examination.
- 8. 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 Orderly Room.
- 9. Execute the attached acknowledgment and return it to me immediately.



Commander, 5th Logistics Readiness Squadron

Attachments:

- 1. Supporting Documents
- 2. Receipt of Notification Memorandum