

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE A1C	AFSN/SSAN []
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TYPE UOTH	X	PERSONAL APPEARANCE	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
[]					X
[]					X
[]					X
[]					X
[]					X

ISSUES A92.21 A94.05	INDEX NUMBER A67.30	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 Mar 2007	CASE NUMBER FD-2006-00370	
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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, 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.

SIGNATURE OF RECORDER []	SIGNATURE OF BOARD PRESIDENT []
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INDORSEMENT	DATE: 3/7/2007
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-2006-00370

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 06 Mar 2007.

The following additional exhibits were submitted at the hearing:

Exhibit #6: Four character letters

Exhibit #7: College transcript

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: Applicant contends her discharge was inequitable and did not consider the good aspects of her service. The applicant was discharged with a UOTHC character of service for commission of a serious offense that resulted in a felony conviction in civilian court and a sentence that included three years in jail. In testimony she attributed her misconduct to immaturity and falling in with the wrong crowd but accepted responsibility for her conduct. She states another military member was also involved in the criminal activity but was not discharged. An investigation report present in the personnel file indicates this individual was not charged following completion of an investigation by civilian law enforcement authorities and the Air Force Office of Special Investigations. Evidence of the investigative report shows that the applicant played a key role in the criminal conduct and in testimony she states that she pled guilty regarding her involvement at the time of civilian court proceedings. The personnel file contains no documentation reflecting duty performance other than two Letters of Reprimand (February 26, 2001 and November 6, 2001) for failure to be at her place of work at the appointed time, lack of accountability, and failure to perform assigned tasks, and an undated e-mail memo for record by a supervisor detailing numerous specific incidents of unsatisfactory performance during February, March and April 2001. 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.

The applicant submitted character letters indicating the applicant has turned her life around since release from incarceration including employment, attendance at school and becoming a mother. The DRB was pleased to see that the applicant was doing well, however, no inequity or impropriety in her discharge was suggested or found in the course of the hearing.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF Ft Meade MD, on 8 Feb 02 UP AFI 36-3208, para 5.52 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 25 Sep 81. Enlmt Age: 18 7/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-50, E-31, G-37, M-22. PAFSC: 3S031 - Personnel Apprentice. DAS: 25 Sep 00.

b. Prior Sv: (1) AFRes 26 Apr 00 - 30 May 00 (1 month 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 31 May 00 for 4 years. Svd: 01 Yrs 08 Mo 08 Das, of which AMS is 01 Yrs 08 Mos 03 Das (ex. 5 days time lost).

b. Grade Status: A1C - 14 Jul 00

c. Time Lost: 15 Jun 01 - 19 Jul 01 (5 days time lost)

d. Art 15's: None.

e. Additional: LOR, 06 NOV 01 - Failure to perform assigned tasks and insubordinate towards an NCO.
LOR, 26 FEB 01 - Failure to return in a timely manner from appointments on several occasions and taking extended lunches without permission.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (01) Yrs (09) Mos (08) Das
TAMS: (01) Yrs (08) Mos (03) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Sep 06.
(Change Discharge to Honorable)

Issue 1: Because it has been almost 6 years since I have seperated from the

- h. On or about 9 Jun 01 you asked SrA [redacted] to interfere with an investigation by providing a false official statement, to wit: that she picked you up from the Amer-Suites Hotel on or about 9 Jun 01.
- i. On or about 11 Jun 01 you asked [redacted] to interfere with an investigation by providing a false official statement, to wit: that he picked you up from the Amer-Suites Hotel on or about 9 Jun 01.
- j. On or about 15 Jun 01, you made a false official statement to Special Agent [redacted] to wit: that [redacted] had picked you up from the Amer-Suites Hotel on or about 9 Jun 01.
- k. On 13 Feb 01, you failed to report to work in a timely manner following a morning doctor's appointment. For this misconduct you received a Letter of Reprimand dated 26 Feb 01.
- l. On 20 Feb 01, you left your duty section for two hours without informing your supervisor that you were taking an extended lunch. For this misconduct you received a Letter of Reprimand dated 26 Feb 01.
- m. On 23 Feb 01, you left your duty section for two hours without informing your supervisor that you were taking an extended lunch. For this misconduct you received a Letter of Reprimand dated 26 Feb 01.
- n. On 6 Nov 01, you failed to perform your assigned duties and were insubordinate to SSgt [redacted]. For this misconduct you received a Letter of Reprimand dated 6 Nov 01.

3. This action could result in your separation with an Under Other Than Honorable Conditions (UOTHC) discharge. I am recommending you receive an UOTHC discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces any special pay, bonus, or education assistance funds may be subjected to recoupment.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.