

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>  [ ]	<b>GRADE</b>  A1C	<b>AFSN/SSAN</b>  [ ]
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>	
	<b>X</b>	

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
[ ]					X
[ ]					X
[ ]					X
[ ]					X
[ ]					X

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> BRIEF OF PERSONNEL FILE
		COUNSEL'S RELEASE TO THE BOARD
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE HE

<b>HEARING DATE</b> 08 Mar 2007	<b>CASE NUMBER</b> FD-2006-00374	
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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.

[ ]

<b>INDORSEMENT</b>	<b>DATE: 3/9/2007</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2006-00374**

**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 her discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, three Letters of Reprimand, five Letters of Counseling, and one Letter of Admonishment for misconduct. The misconduct included failure to go, wearing civilian clothes during duty hours, failure to follow a direct order, dereliction of duty, conduct unbecoming, malingering, failure to complete assigned tasks, insubordinate conduct towards a noncommissioned officer, absence without leave, speeding, failure to attend physical training, and drinking alcohol while on twenty-four hour telephone standby. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Kirtland AFB, NM on 27 Oct 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 7 Aug 84. Enlmt Age: 18 5/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-35, E-45, G-49, M-43. PAFSC: 1T151 - Aircrew Life Support Journeyman. DAS: 28 Jan 04.

b. Prior Sv: (1) AFRes 07 Jan 03 - 01 Sep 03 (7 months 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Sep 03 for 4 years. Svd: 02 Yrs 01 Mo 26 Das, all AMS.

b. Grade Status: A1C - 2 Jan 05  
Amn - 2 Mar 04

c. Time Lost: None.

d. Art 15's: (1) 12 Sep 05, Kirtland AFB, NM - Article 92. You, who knew of your duties at or near Albuquerque, NM, between on or about 12 Aug 05, and on or about 13 Aug 05, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcohol while you were assigned to be on 24-hour telephone standby for Aircrew Life Support, as it was your duty to do, by drinking alcohol while you assigned to be on standby. Suspended reduction to Amn. Forfeiture of \$200.00 pay per month for 2 months and restriction to the limits of Kirtland AFB, NM for 45 days. (No appeal) (No mitigation)

e. Additional: LOR, 13 JUL 05 - Failed to go to mandatory PT.  
LOR, 28 JUN 05 - Insubordinate conduct towards an NCO and failure to obey an order.  
LOC, 14 JUN 05 - Failure to complete assigned tasks in a timely manner, requiring overtime.  
LOA, 25 MAR 05 - Absense without leave, disobeying a Superior Commissioned Officer, insubordinate conduct towards an NCO and failure to obey an order.  
DD 1408, 27 FEB 05 - Speeding ticket for doing 38 mph in a 30 mph zone.

- LOR, 17 NOV 04 - Insubordinate conduct towards an NCO, failure to obey a direct order and absence without leave.
- LOC, 30 AUG 04 - Dereliction of duty and failure to complete assigned tasks.
- LOC, 08 JUL 04 - Failure to follow a direct order, conduct unbecoming of an airman and borderline malingering.
- LOC, 08 JUL 04 - Wearing civilian clothes during duty hours.
- LOC, 05 APR 04 - Failure to go at the time prescribed to her appointed place of duty.

f. CM: None.

g. Record of SV: 02 Sep 03 - 01 May 05 Kirtland AFB 4 (Initial)

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

i. Stmt of Sv: TMS: (02) Yrs (09) Mos (21) Das  
TAMS: (02) Yrs (01) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Sep 06.  
(Change Discharge to Honorable)

Issue 1: I have been out of the military almost a year and I would like to upgrade my discharge as honorable.

**ATCH**  
None.

23OCT06/day



**DEPARTMENT OF THE AIR FORCE**  
**58TH OPERATIONS SUPPORT SQUADRON (AETC)**  
**KIRTLAND AFB, NEW MEXICO 87117-5861**

OCT 19 2005

MEMORANDUM FOR A1C: [REDACTED]

FROM: 58 OSS/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, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, 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. Between on or about 12 Aug 05 and on or about 13 Aug 05, at or near Albuquerque, New Mexico, you were derelict in the performance of your duties in that you willfully failed to refrain from drinking alcohol while you were assigned to be on 24-hour telephone standby for Aircrew Life Support, as it was your duty to do. As a result, you received an Article 15, Nonjudicial Punishment (NJP) dated 12 Sep 05 (Atch A).

b. On Friday, 8 Jul 05, you were a no-show for squadron physical training. As a result, you received a Letter of Reprimand (LOR) dated 13 Jul 05 (Atch B).

c. On Friday, 24 Jun 05, you did not perform your assigned duties by not closing out your QC write-ups before you left for the day. When SSgt: [REDACTED] discovered what had happened, she instructed you to complete your assigned duties before 0600 Monday, 27 Jun 05. You failed to do so as ordered, and as a result, you received an LOR dated 28 Jun 05 (Atch C).

d. While others complete their assigned work within their scheduled duty hours, you remain behind on a daily basis just to finish your tasks. Because of your continuing failure to meet workload time demands, and specifically the inspection of certain equipment at the work site in a timely manner, you received a Letter of Counseling (LOC) dated 14 Jun 05 (Atch D).

e. On 16 Mar 05, you were approximately 20 minutes late for a scheduled appointment, an appointment for which you were scheduled some 3 months in advance. In addition, on the same date, you missed a mandatory PT session, one of three sessions required each week until you passed your PT test. As a result, you received a Letter of Admonishment (LOA) dated 25 Mar 05 (Atch E). The LOA also documents your continuing problem with completing your assigned work during normal duty hours. The daily workload in the rotary-wing section is divided evenly among all shop personnel, and no one else needs to spend the time you do completing their assigned work.

f. On 27 Feb 05, you received a traffic ticket by personnel from the 377<sup>th</sup> SFS for driving over the speed limit on Kirtland AFB (Atch F).

g. On 15 Nov 04, you were over an hour late for work, and did not call in advance to let your supervisor know that you would be late. As a result, you received an LOR dated 17 Nov 04 (Atch G).

h. On 25 Aug 04 at the end of your shift, you signed the post flight log indicating that you accomplished several post flights. However, on 26 Nov 04 during the course of a quality assurance inspection, and again on 27 Nov 04 as a result of a conversation that SSgt: \_\_\_\_\_ had with a crewmember, it became apparent that your performance was lacking, and that your tone and attitude were completely unprofessional. As a result, you received an LOC dated 30 Aug 04 (Atch H).

i. On 7 Jul 04, you were briefed that during your shift, you were to close out all of your quality assurance discrepancies, help clean the shop, and inspect/correct the equipment. A list of specifics was left on the board for you. However, when SSgt: \_\_\_\_\_ came into work near the end of your shift, it was clear to her that all of your work was not finished, and that you were leaving some of your work for the next shift to perform. In the meantime, you were sitting at the work station playing cards. As a result, you received an LOC dated 8 Jul 04 (Atch I).

j. On 8 Jul 04, you were wearing civilian clothing during duty hours, notwithstanding the fact that you were briefed on 6 Jul 04 specifically about the need to wear your uniform during duty hours. As a result, you received an LOC dated 8 Jul 04 (Atch J).

k. On 5 Apr 04, you failed to arrive to work at the prescribed time, arriving 45 minutes late because you did not hear the alarm go off. You had been verbally counseled earlier for a previous late incident. As a result, you received an LOC dated 5 Apr 04 (Atch K).

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 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 Captain: \_\_\_\_\_ at Bldg. 20361, 1655 1st Street SE, on 19 Oct, at 1036 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 0945 24 Oct 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 377th Medical Group, 2050A Second St. SE on 4 Nov, at 0915 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 the Orderly Room or ADC's office.

9. Execute the attached Receipt of Notification Memorandum (Atch L) as well as the attached Statement of Understanding Regarding Recoupment (Atch M) and return them to me immediately.



Commander

13 Attachments:

- A. AF Form 3070 dated 12 Sep 05
- B. LOR dated 13 Jul 05
- C. LOR dated 28 Jun 05
- D. LOC dated 14 Jun 05
- E. LOA dated 25 Mar 05
- F. Traffic Citation dated 27 Feb 05
- G. LOR dated 17 Nov 04
- H. LOC dated 30 Aug 04
- I. LOC dated 8 Jul 04
- J. LOC dated 8 Jul 04
- K. LOC dated 5 Apr 04
- L. Receipt of Notification Memorandum
- M. Statement of Understanding