

**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	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	<b>X</b>	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[ ]					X
[ ]					X
[ ]					X
[ ]					X
[ ]					X

ISSUES <b>A95.00</b> <b>A01.00</b>	INDEX NUMBER <b>A94.07</b>	<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

HEARING DATE <b>29 Mar 2007</b>	CASE NUMBER <b>FD-2006-00436</b>	
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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: 4/9/2007</b>
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**

**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:**

The applicant stated she was told her discharge could be upgraded in six months. While a discharge may be upgraded, the upgrade is by no means automatic. The records indicate the applicant requested a discharge in lieu of a court-martial. She admitted to theft of a cellular phone and making a false official statement by altering a sick quarter's slip. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal.

**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 Lackland AFB, TX on 21 Feb 03 UP AFI 36-3208, Chapter 4 (Triable by Court Martial). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 5 Nov 83. Enlmt Age: 17 5/12. Disch Age: 19 3/12. Educ: HS DIPL. AFQT: N/A. A-83, E-62, G-74, M-59. PAFSC: 3P031 - Security Police Apprentice. DAS: 27 Dec 01.

b. Prior Sv: (1) AFRes 9 Apr 01 - 12 Jun 01 (2 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Jun 01 for 6 yrs. Svd: 01 Yrs 08 Mo 09 Das, all AMS.

b. Grade Status: A1C - 27 Jul 01

c. Time Lost: None.

d. Art 15's: None.

e. Additional: (Examiner's Note: Individual received three LORs, dated 17 Dec 02; 16 Nov 02; and 15 Jul 02. However, these documents are missing from the file. They are mentioned in the Legal Review, but no specifics were listed.)

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFOUA W/2 OLCS.

i. Stmt of Sv: TMS: (01) Yrs (10) Mos (13) Das  
TAMS: (01) Yrs (08) Mos (09) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Oct 06.  
(Change Discharge to Honorable)

Issue 1: I was advised that after six months of being discharged from the Air Force I could request my discharge be upgraded to at least honorable, because my discharge was not dishonorable and no prior infractions within my term of service.

**FD2006-00436**

**ATCH**  
None.

03JAN07/ia



DEPARTMENT OF THE AIR FORCE  
86TH AIRLIFT WING (USAFE)

MEMORANDUM FOR 86 AW/CC

06 FEB 2003

FROM: 569 USFPS/CC

JACKSON: Request for Discharge in Lieu of Trial by Court-Martial –  
A1C: [REDACTED]

1. I recommend that the attached request for discharge be approved for the following reasons:

a. A1C: [REDACTED] is charged with one specification of larceny and one specification of forgery. On or about 3 December 2002, A1C: [REDACTED] stole ZP-4: [REDACTED] cellular telephone, which has a value of less than \$500. In her own words, under rights advisement, she admitted to the theft. On or about 14 December 2002, A1C: [REDACTED] made a false official statement when she presented SSgt: [REDACTED] with an Individual Sick Slip, which she had admitted altering, indicating that Capt: [REDACTED], MD, had put her on quarters, when, in fact, he had not.

b. On 28 January 2003, I considered A1C: [REDACTED] actions serious enough to warrant trial by Special Court-Martial. I still feel prosecution by Special Court-Martial is justified, however, my main concern is ensuring that A1C: [REDACTED] be discharged from the Air Force expeditiously with a characterization that is clearly not honorable. She should not be allowed to re-enlist in any branch of the Armed Forces or Armed Forces Reserve nor be able to tell others, in particular employers, that she served honorably in the Air Force.

c. As stated, my ultimate objective is that A1C: [REDACTED] be expeditiously discharged from the Air Force with a less than honorable characterization. I understand that she may not get a Bad Conduct Discharge (BCD) if she were tried by a Special Court-Martial. If she was convicted, but did not receive a BCD, the unit would either have to take action to administratively discharge her or to cross-train her as she would no longer be eligible for the Security Forces career field. Given her theft from a fellow squadron member and her attitude and behavior, her presence in the unit, albeit for a short period of time, would be detrimental to good order and discipline. Having her back in the unit would seriously affect morale. I feel it is the best interests of the unit and the Air Force that she be removed from the Air Force as quickly as possible.

d. While accepting her request for a discharge in lieu of court-martial would allow her to avoid jail time, it would not allow her to escape punishment. A1C: [REDACTED] father is an enlisted member of the Army. He knows the stigma of receiving a UOTHC. A1C: [REDACTED] will live with the shame of her discharge and the burden of dishonoring her family for the rest of her life. The UOTHC causes her to lose any benefits she has earned while serving in the Air Force and would most likely prevent her from ever obtaining employment with the federal government.

e. I believe discharging A1C [redacted] with a UOTHC will send a strong message to the members of our unit that actions such as these are unacceptable and will be dealt with appropriately. Unit members are aware of what she has done. The longer she is retained in the Air Force the more morale is impacted. Removing A1C [redacted] from the Air Force quickly with a UOTHC boosts the legitimacy of the unit's disciplinary actions. I believe this is in the best interests of the unit and military and would be truly indicative of A1C [redacted] service.

f. My ultimate objective is that A1C [redacted] not be retained. Having her return to the unit after serving confinement would be a worst-case scenario.

2. If this request for discharge is approved, I strongly recommend that A1C [redacted] receive an Under Other Than Honorable Conditions discharge. Only under this condition do I recommend the discharge in lieu of court-martial. There have been no promises to A1C [redacted] regarding the characterization of her discharge.

3. A1C [redacted]

- a. Is not under investigation.
- b. Is not awaiting action under AFIs 36-2503 and 36-3212, or another section of this regulation.
- c. Is not awaiting result of trial.
- d. Is not absent without authority.
- e. Is not absent in hands of civil authorities.
- f. Has not been referred to a medical facility for examination.
- g. Is not in default with respect to public property or public funds.
- h. Has not completed 16 or more years of active military service.
- i. Is not accountable or responsible for public property or funds.
- j. Member has not received special pay, bonuses, or education assistance.

4. There have been no reports of misconduct since the incidents that led to the preferral of charges.

5. Court-martial charges have been preferred. Attached are:
- A copy of the charges, DD Form 458, Charge Sheet (Attachment 1)
  - 86<sup>th</sup> SFS Incident Report, Case Number 12002120222 (Attachment 2)

6. Charges have not yet been referred for trial.

7. At the time of the misconduct, the airman did not have a mental disease or defect that caused her to lack the substantial capacity either to appreciate the criminality (wrongfulness) of the acts or to conform to the law (AFI 44-109). The airman presently has the capacity to understand the nature of the proceedings and to assist in the defense.

8. A1C   does not hold an appointment as a Reserve commissioned or warrant officer.

9. Other information:

a. Date and term of enlistment: 14 Jun 01 – 6 years.

Date this period of continuous active duty started: 14 Jun 01.

Pay date: 14 Jun 01.

TAFMSD: 14 Jun 01.

Dates of prior service: None.

b. Date of birth: 5 Nov 83.

c. Test scores: Adm – 83, Elect – 62, Gen – 74, Mech – 59.

d. Formal training: Basic Training and Technical School.

e. Date assigned to unit: 27 Dec 01.

f. Current grade and effective date: A1C – 10 Dec 01.

g. Demotions, reasons, and dates: None.

h. Time lost: None.

i. Record of disciplinary actions: None.

j. Overall ratings and dates on EPRs: None.

k. Favorable communications, citations, or awards: Air Force Outstanding Unit Award (2 OLC), National Defense Service Medal, Air Force Training Ribbon.

l. Derogatory data other than action by courts-martial or Article 15: Letter of Reprimand (LOR), dated 17 Dec 02; LOR dated 16 Nov 02; LOR, dated 15 Jul 02 (Attachment 3).

m. Medical or other data meriting consideration: None.

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Commander

Attachments:

1. DD Form 458

2. 86 SFS Report

3. Derogatory data

a. LOR, dated 17 Dec 02

b. LOR, dated 16 Nov 02

c. LOR, dated 15 Jul 02