

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 A1C	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW	
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES				No
				X

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

ISSUES A94.05	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 25 Apr 2007	CASE NUMBER FD-2006-00439	
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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		DATE: 5/7/2007
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, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

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:

Although not explicitly stated, applicant contends her discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, a Vacation, three Letters of Reprimand, and a Letter of Counseling for misconduct. The applicant received an Article 15 for failure to go to her appointed place of duty. She was punished with a suspended reduction in grade to Airman, forfeiture of pay, restriction to Laughlin AFB for 30 days, 10 days of extra duty, and a reprimand. The Vacation action was for failing to refrain from possessing alcoholic beverages other than malt beverages or wine. As a result, she was reduced in grade to Airman. Applicant was also administratively disciplined for dereliction of duty, physical fitness examination failure, failure to obey a lawful order, insubordinate conduct towards an NCO, disorderly conduct while under the influence of alcohol, and a charge for public intoxication. 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Laughlin AFB, TX on 10 Aug 06 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Sep 83. Enlmt Age: 19 6/12. Disch Age: 22 11/12. Educ: HS DIPL. AFQT: N/A. A-55, E-25, G-47, M-41. PAFSC: 3P051 - Security Forces Journeyman. DAS: 8 Nov 03.

b. Prior Sv: (1) AFRes 10 Mar 03 - 26 May 03 (2 months 17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 May 03 for 6 yrs. Svd: 03 Yrs 02 Mo 14 Das, all AMS.

b. Grade Status: A1C - 06 Jun 05
Amn 06 Aug 04 (Vacation of Article 15, 2 Sep 04)
A1C - 11 Jul 03

c. Time Lost: None.

d. Art 15's: (1) 02 Sep 04, Vacation, Laughlin AFB, TX - Article 92. You, who knew or should have known of your duties, on or about 27 Aug 04, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcoholic beverages other than malt beverages and wine in accordance with the Waiver to Air Force Instruction 34-219, Minimum Age for Purchasing Possessing or Drinking Alcoholic Beverages, as it was your duty to do. Reduction to Airman. (No appeal) (No mitigation)

(2) 06 Aug 04, Laughlin AFB, TX - Article 86. You did, on or about 28 Jul 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 139. Suspended reduction to Airman. Forfeiture of \$150.00 pay per month for 2 months. Restriction to the limits of Laughlin AFB, TX for 30 days, 10 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOC, 20 JUL 06 - Second Physical Fitness examination failure.

LOR/UIF, 19 JUL 06 - Dereliction of duty, failure to obey a

lawful order, insubordinate conduct towards an NCO, and failure to go.
 LOR/UIF, 06 JUL 06 - While under the influence of alcohol: argued with boyfriend, acted in a disorderly manner, and was involved in a domestic disturbance involving a physical altercation, all leading to her arrest by a local law enforcement officer.
 LOR/UIF, 28 JUL 04 - Charged with public intoxication.

f. CM: None.

g. Record of SV: 27 May 03 - 27 Jan 05 Laughlin AFB 4 (Initial)REF
 28 Jan 05 - 27 Jan 06 Laughlin AFB 4 (Annual)REF

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

i. Stmt of Sv: TMS: (03) Yrs (05) Mos (01) Das
 TAMS: (03) Yrs (02) Mos (14) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 10 Nov 06.
 (Change Discharge to Honorable)

Issue 1: I served honorably for three years and 3 months and think my discharge should reflect that.

ATCH

1. DD Form 149.

23JAN07/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

JUL 27 2006

MEMORANDUM FOR A1C: [REDACTED] 47 SFS

FROM: 47 SFS/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 AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On 24 July 2004, you were riding as a passenger in a vehicle with a fellow Airman who was intoxicated. To complicate the matter, you were uncooperative and disrespectful with the Department of Public Safety Trooper and were charged with public intoxication. This is evidenced by the Letter of Reprimand, dated 28 July 2004.

b. On 28 July 2004, you failed to report to your appointed place of duty. This is evidenced by the Article 15, dated 6 August 2004 and the establishment of an Unfavorable Information File (UIF).

c. On 27 August 2004, you, as a minor, were in possession of hard liquor. This is evidenced by the Vacation Action, dated 2 September 2004.

d. On 4 July 2006, you were involved in a domestic disturbance with your boyfriend resulting in physical altercation that led to your arrest by a local law enforcement officer. This is evidenced by the Letter of Reprimand, dated 6 July 2006.

e. On 12 July 2006, you were derelict in the performance of your duties when you removed your weapon belt after being told to return to your post. Furthermore, you failed to obey a direct order given to you by Technical Sergeant: [REDACTED] This is evidenced by the Letter of Reprimand, dated 19 July 2006.

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 (g).

3. You have the right to consult counsel. Military legal counsel ~~has been obtained to assist you~~ ^{is available.} ~~I have made an appointment for you to consult a military defense counsel at 1871 Gentile Street, Building 6119, Lackland Air Force Base, Texas (DSN 473-2924) on _____ July 2006, at _____ hours. You may consult civilian counsel at your own expense.~~

4. You have the right to submit statements in your own behalf. ^{No} Any statements you want the separation authority to consider must reach me by ~~1 July 2006~~ ^{1 AUG} unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to 47th Medical Group, 590 Mitchell Boulevard on ~~1 July 2006~~ ^{1 AUG}, at ~~0945~~ hours for the examination.

7. 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 unit orderly room.

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



Commander

Attachments:

1. Receipt of Notification Memorandum
2. Letter of Reprimand (28 July 2004)
3. Article 15 (6 August 2004)
4. Vacation Action (2 September 2004)
5. Letter of Reprimand (6 July 2006)
6. Letter of Reprimand (19 July 2006)
7. Letter of Counseling (20 July 2006)
8. Unfavorable Information File Summary