

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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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
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
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ISSUES A93.01 A94.05	INDEX NUMBER A67.90	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 10 May 2007	CASE NUMBER FD-2006-00458
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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.

INDORSEMENT

DATE: 5/23/2007

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

CASE NUMBER

FD-2006-00458

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

Although not explicitly stated, applicant contends discharge was inequitable because it was too harsh. She admits that she was young, naïve, and following the wrong crowd. The records indicated the applicant received two Article 15s and a Letter of Reprimand for misconduct. The first Article 15 was for stealing a pair of shoes, two video games, a picture frame, a pair of pants, a shirt, a portable compact disc player from the Army and Air Force Exchange Service (AAFES); and theft of \$78.00 from AAFES. She was punished with a reduction in grade to Airman Basic, restricted to RAF Lakenheath for 20 days and 20 days of extra duty. The second Article 15 was for theft of two pairs of shoes and a Panasonic video cassette adapter from AAFES. For this misconduct, she was reduced in grade to Airman Basic, restricted to RAF Lakenheath for 30 days and received a reprimand. She was also administratively disciplined for being a passenger in a vehicle operated by a driver under the influence of alcohol. 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Los Angeles AFB, CA on 25 Nov 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.
2. **BACKGROUND:**
- a. DOB: 22 Oct 81. Enlmt Age: 18 5/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-65, E-43, G-68, M-43. PAFSC: 4E051 - Public Health Journeyman. DAS: 13 Jan 01.
- b. Prior Sv: (1) AFRes 14 Apr 00 - 18 Jul 00 (3 months 5 days) (Inactive).
3. **SERVICE UNDER REVIEW:**
- a. Enlisted as AB 19 Jul 00 for 4 yrs. Svd: 02 Yrs 04 Mo 07 Das, all AMS.
- b. Grade Status: AB - 5 Sep 02 (Article 15, 5 Sep 02)
Amn - 26 Jan 02
AB - 26 Jul 01 (Article 15, 26 Jul 01)
Amn 19 Jan 01
- c. Time Lost: None.
- d. Art 15's: (1) 5 Sep 02, RAF Lakenheath, UK - Article 121. You did, on or about 29 Jun 02, steal one pair of Nike running shoes, size 6.5 and one pair of Air Jordans, size 6, of a value of \$144.00, the property of Army and Air Force Exchange Service, RAF Lakenheath, UK. Article 121. You did, on or about 29 Jun 02, steal a Panasonic video cassette adapter, of a value of \$28.00, the property of Army and Air Force Exchange Service, RAF Lakenheath, UK. Reduction to AB, restriction to RAF Lakenheath, United Kingdom for 30 days, and a reprimand. (No appeal) (No mitigation)
- (2) 26 Jul 01, RAF Lakenheath, UK - Article 121. You, did, on or about 13 Jun 01, steal a pair of shoes, two video games, a picture frame, a pair of pants, a shirt, a portable compact disc (CD) player, of some value greather than \$100.00, the property of the Army and Air Force Exchange Service. Article 121. You, did, on or about 13 Jun 01, steal \$78.00 in United States currency, the property of the Army and Air Force Exchange Service. Reduction to AB, restriction to RAF Lakenheath for 20 days and 20 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR/UIF, 18 JAN 02 - Was a passenger in a vehicle being operated by a driver who had been drinking alcohol. The operator was stopped by Civil Authorities and was found to be far above the blood alcohol limit.
- f. CM: None.
- g. Record of SV: 19 Jul 00 - 18 Mar 02 RAF Lakenheath 3 (Initial)REF
- h. Awards & Decs: NDSM, AFOSLTR, AFTR.
- i. Stmt of Sv: TMS: (02) Yrs (07) Mos (12) Das
TAMS: (02) Yrs (04) Mos (07) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 28 Nov 06.
(Change Discharge to Honorabl)

Issue 1: I am requesting an upgrade because I would like to get a government job. My spouse is in the Army and I would like a better job. I feel like I have payed (sic) the price for my punishment and would like a second chance.

Issue 2: I would like to be given a second chance. When I was discharged, I was young naïve, and following the wrong crowd. I have since changed my life dramatically. I work for a wonderful company, was recently married. My husband is in the Army and I just want us to have a better life with better job opportunities. Please consider my request whatever decision your review board makes, will be one that you guys feel is just. Please give me a second chance to serve my country. I am honestly a changed person.

ATCH
None.

26JAN07/ia



DEPARTMENT OF THE AIR FORCE
48TH FIGHTER WING (USAF)

32/02

MEMORANDUM FOR AB [] 48 AMDS

FROM: 48 AMDS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, Section H, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. At or near RAF Lakenheath, UK, you did, on or about 29 Jun 02, steal one pair of Nike running shoes, size 6.5 and one pair of Air Jordans, size 6, of a value of \$144.00, the property of Army Air Force Exchange Service, RAF Lakenheath, UK. For this you received Nonjudicial Punishment, dtd 5 Sep 02.

b. At or near RAF Lakenheath, UK, you did, on or about 29 Jun 02, steal a Panasonic video cassette adapter, of a value of \$28.00, the property of Army Air Force Exchange Service, RAF Lakenheath, UK. For this you received the same as in paragraph a, *supra*.

c. At or near RAF Lakenheath, UK, on or about 13 Jan 02, you knowingly rode in a vehicle with an operator you knew had been drinking. For this you received a Letter of Reprimand (LOR), dtd 18 Jan 02.

d. At or near RAF Lakenheath, UK, you did, on or about 13 Jun 01, steal a pair of shoes, two video games, a picture frame, a pair of pants, a shirt, and a portable compact disc (cd) player, of some value greater than \$100.00, the property of the Army and Air Force Exchange Service. For this you received a Nonjudicial Punishment, dtd 26 Jul 01.

e. At or near RAF Lakenheath, UK, you did, on or about 13 Jun 01, steal \$78.00 in United States currency, the property of the Army and Air Force Exchange Service. For this you received the same as in paragraph d, *supra*.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the 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.

4. You have the right to consult counsel. Military legal counsel, Capt. [redacted], bldg 976, ext 3608, has been obtained to assist you. An appointment has been scheduled for you to consult them at 13 Oct 02 / 1000 HRS. 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 1000 HRS / 17 Oct 02 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 must schedule an appointment with your Primary Care Manager, who will provide you with a DD Form 2697, Assessment of Health Care. You should then report to the Physical Exams Section at the 48th Medical Group during walk-in hours, with your DD Form 2697. Walk-in hours for Physical Exams are 0900-1400, Monday thru Friday. If you wear eyeglasses, you must bring them with you. If you are unable to make any of your scheduled appointments, you must contact the First Sergeant immediately.

8. The Privacy Act Statement covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in your unit orderly room.

9. The separation authority will make the findings and recommendation required under 10 U.S.C 2005 (g).

10. Execute the attached acknowledgement and return it to me immediately.

[Redacted signature box]

Commander /

Attachments:

- 1. Nonjudicial Punishment, dtd 5 Sep 02
- 2. LOR, dtd 18 Jan 02
- 3. Nonjudicial Punishment, dtd 26 Jul 01