

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>		
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 A94.53 A92.01		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 HIE				
HEARING DATE 20 Jul 2007		CASE NUMBER FD-2006-00467							
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE									
<p>Case heard in Washington, D.C.</p> <p>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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <p>* Reason and Authority + Reenlistment Code</p> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>									
INDORSEMENT					DATE: 7/30/2007				
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-2006-00467

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

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, change of reason and authority for discharge, and change of reenlistment code are 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:

Issue 1. The applicant submitted no issues of inequity or impropriety. She admitted that she made mistakes in the past. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant had received two Article 15s, a Letter of Counseling, three Records of Individual Counseling, and three Memorandums for Record for misconduct. The first Article 15 was for falsely pretending to be the owner of an AT&T card and wrongfully obtaining AT&T services by charging calls in excess of \$1078.66. She was punished with a suspended reduction to Airman Basic and fourteen days of extra duty. The second Article 15 was for falsely pretending to Seymour Johnson AFB telephone operators that she was making official calls to Japan which was false. She received a suspended reduction to Airman, forfeiture of pay, 45 days of extra duty, and a reprimand. The applicant had additional misconduct and was disciplined for failure to follow directions and attention to detail, CDC End of Course Failure, unprofessional behavior, making a racial statement, missed medical appointment, AAFES returned check notice, dishonored check, and being late for work. 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.

Issue 2. Applicant states that her discharge did not take into account the good things she did while in the service. The DRB took note of the applicant's duty performance as documented by her performance reports. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 Seymour Johnson AFB, NC on 10 May 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 22 Apr 79. Enlmt Age: 18 1/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-76, E-34, G-46, M-18. PAFSC: 3M031 - Services Apprentice. DAS: 15 Apr 98.

b. Prior Sv: (1) AFRes 17 Jun 97 - 24 Nov 97 (5 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 25 Nov 97 for 4 years. Svd: 02 Yrs 05 Mo 16 Das, all AMS.

b. Grade Status: A1C - 25 Mar 99
Amn - 25 May 98

c. Time Lost: None.

d. Art 15's: (1) 23 Nov 99, Seymour Johnson AFB, NC - Article 134. You did, between on or about 25 Aug 99 and on or about 17 Sep 99, with intent to defraud, falsely pretend to Seymour Johnson AFB telephone operators that you were making official telephone calls to Marine Corps AS Iwakuni, Japan, then knowing that the pretenses were false, and by means thereof did wrongfully obtain from the United States Government services, of a value of about \$43.43. Suspended reduction to Amn. Forfeiture of \$537.00 pay, 45 days extra duty and a reprimand. (No appeal) (No mitigation)

(2) 4 Sep 98, Seymour Johnson AFB, NC - Article 134. You did, in the continental United States, on divers occasions, between on or about 4 Jun 98 and on or about 11 Jul 98, with intent to defraud, falsely pretend to AT&T to be the owner of an AT&T calling card belonging to Amn [REDACTED]; then knowing that the pretenses were false, and by means thereof did wrongfully obtain from AT&T, services, of a value of about \$1,078.66, to wit: by charging phone calls to the said Amn [REDACTED] calling card. Suspended reduction to AB. Fourteen days extra

duty. (No appeal) (No mitigation)

- e. Additional: RIC, 19 APR 00 - Attention to detail and failure to follow directions.

CE, 03 FEB 00 - Second CDC End of Course Failure.

CE, 04 OCT 99 - First CDC End of Course Failure.

RIC, 01 OCT 99 - Unprofessional Behavior.

RIC, 17 SEP 99 - Late for work.

MFR, 01 SEP 99 - Making a racial statement.

LOC, 14 JUL 99 - Dishonored check.

MFR, 03 MAY 99 - Missed Medical appointment.

MFR, 05 APR 99 - AAFES returned checks notice.

- f. CM: None.

- g. Record of SV: 25 Nov 97 - 10 Aug 99 Seymour Johnson AFB 3 (Initial)
11 Aug 99 - 10 Apr 00 Seymour Johnson AFB 2 (CMDR DIR) REF

- h. Awards & Decs: AFTR, AFESM

- i. Stmt of Sv: TMS: (02) Yrs (10) Mos (24) Das
TAMS: (02) Yrs (05) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 1 Dec 06.

(Change Discharge to Honorable, Change the RE Code and Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214

30Jan07/day

To Whom It May Concern:

I am writing on my behalf to request a change on my DD Form 214. My current discharge is General/ Under Honorable conditions and I am requesting a change to Honorable and a change on my reentry code. My two years and five months service includes a tour in Iraq during Operation Southern Watch. I feel I have served my country honorably and I recognize my mistakes from the past. However; I do not feel I should pay for those mistakes for the rest of my life. An honorable discharge will strengthen my opportunity to succeed in the future and give me a better chance of working in other areas of increased responsibility. It will also give me that sense of pride in knowing that I've made a difference in the military and for my country. I am proud of being a veteran and will be honored to receive a change in my discharge characterization/reentry code. Your approval in this matter will be greatly appreciated.

Thank You,





DEPARTMENT OF THE AIR FORCE

4TH FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

MEMORANDUM FOR A1C: [REDACTED]

1 MAY 00

FROM: 4 SVS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory performance, specifically failure to progress in on-the-job training, and for misconduct, specifically minor disciplinary infractions. The authority for my recommendation is AFD 36-32, AFI 36-3208, Chapter 5, Section E, Paragraph 5.26.3, and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. Pursuant to Table 1.3 and Paragraphs 5.48 and 6.44.3 of AFI 36-3208, your service can be characterized as honorable, general or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action:

a. Between on or about 4 June 1998 and on or about 11 July 1998, with the intent to defraud, you charged \$1,078.66 of phone calls on Amn: [REDACTED] AT&T calling card. This is evidenced by AF Form 3070 dated 4 September 1998 (Tab 1a).

b. On or about 5 April 1999, your commander was notified that you had written approximately \$110.85 worth of checks to the Army and Air Force Exchange Service that were returned dishonored by your financial institution. This is evidenced by an Army and Air Force Exchange Service (AAFES) memorandum dated 5 April 1999 (Tab 1b).

c. Between on or about 24 February 1999 and on or about 3 May 1999, you failed to attend scheduled medical appointments. This is evidenced by a Missed Medical Appointment(s) memorandum dated 3 May 1999 (Tab 1c)

d. On or about 14 May 1999, you wrote a check in the amount of \$30.87 to a local business (Duke's Beauty) that was returned by your financial institution as dishonored. This is evidenced by a Letter of Counseling dated 14 July 1999 (Tab 1d).

e. On or about 31 August 1999, you made inappropriate comments to TSgt: [REDACTED] in that you stated "doin' whatever massah tells us to do." This is evidenced by a Memorandum for Record dated 1 September 1999 (Tab 1e).

f. On or about 16 September 1999, you were directed by SMSgt: [REDACTED] and TSgt: [REDACTED] to be at work at 0600 on Friday, 17 September 1999. On 17 September 1999, you reported to duty late. This is evidenced by an AF Form 174 dated 17 September 1999 (Tab 1f).

g. Between on or about 25 August 1999 and on or about 17 September 1999, with the intent to defraud, you falsely pretended to Seymour Johnson Air Force Base telephone operators that you were making official telephone calls to Marine Corps Air Station Iwakuni, Japan. The total value of these calls was approximately \$43.43. This is evidenced by AF Form 3070 dated 15 November 1999 (Tab 1g).

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h. On or about 30 September 1999, you displayed unprofessional behavior in that you returned to your duty section wearing civilian clothes. When you were confronted about it by your supervisor, you ignored him and walked away. He tried to call you back into the office, but you still ignored him. This is evidenced by an AF Form 174 dated 1 October 1999 with attachments (Tab 1h).

i. On or about 4 October 1999, you were administered an end of course examination for your career development course for which you scored a 48 percent, below the Air Force's standard of 65 percent. This is evidenced by a Report of Course Examination dated 4 October 1999 (Tab 1i).

j. On or about 3 February 2000, you were administered a second end of course examination for your career development course for which you scored a 58 percent, below the Air Force's standard of 65 percent. This is evidenced by a Report of Course Examination dated 3 February 2000 with attachments (Tab 1j).

k. On 16 April 2000, you were asked by your supervisor to get off the telephone in order to accomplish the remaining tasks for the shift. You displayed insubordinate conduct in that you told your supervisor, SSgt [REDACTED], "you're a damn liar!" Approximately 15 minutes later when confronted by SSgt [REDACTED] about the outburst, you said, "You may not be a liar, but there are some bitches on this shift that haven't done shit all day!" This is evidenced by an AF Form 174 dated 19 April 2000 (Tab 1k).

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 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.

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 CAPT [REDACTED], Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext 2-5345 or DSN 722-5345. Your appointment has been scheduled on 2 MAY (date) at 1400 (time). 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 1500/4 MAY 00 (allow three duty days) 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 mandatory medical examination at the Physical Examination Section, 4th Medical Group, Seymour Johnson AFB, on 4 May 2000 at 1030 hours. You are scheduled for a mandatory follow-up appointment at the Blue Team on 4 May 2000 at 1100 hours.

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 unit orderly room or the Area Defense Counsel's office.

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



Commander

Attachments:

1. Supporting Documentation:

- a. AF Form 3070, dtd 4 September 1998
 - b. AAFES Memorandum, dtd 5 April 1999
 - c. Missed Medical Appointment(s) Memorandum, dtd 3 May 1999
 - d. Letter of Counseling, dtd 14 July 1999
 - e. Memorandum for Record, dtd 1 September 1999
 - f. AF Form 174, dtd 17 September 1999
 - g. AF Form 3070, dtd 15 November 1999
 - h. AF Form 174, dtd 1 October 1999 w/atchs
 - i. Report of Course Examination, dtd 4 October 1999
 - j. Report of Course Examination, dtd 3 February 2000 w/atchs
 - k. AF Form 174, dtd 19 April 2000
2. Airman's Receipt of Notification Memorandum
 3. Medical Examination
 4. EPRs
 5. Airman's Statement