

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 SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>																														
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW																														
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MEMBER SITTING <div style="border: 1px dashed black; height: 150px; width: 100%;"></div>		VOTE OF THE BOARD <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">HON</th> <th style="width: 15%;">GEN</th> <th style="width: 15%;">UOTHC</th> <th style="width: 15%;">OTHER</th> <th style="width: 15%;">DENY</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> </tbody> </table>		HON	GEN	UOTHC	OTHER	DENY					X					X					X					X					X
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ISSUES A94.53	INDEX NUMBER A67.00	EXHIBITS SUBMITTED TO THE BOARD <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td>2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td>3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td>4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>		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																
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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																																	
<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> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>																																	
ENDORSEMENT <div style="border: 1px dashed black; height: 40px; width: 100%;"></div>		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																															

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2007-00003

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:

The applicant submitted no issues and requested that the review be completed based on the available service record. 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 the applicant received an Article 15, three Letters of Reprimand, and a Record of Individual Counseling for misconduct. The applicant received an Article 15 for disobeying a lawful order by driving on an Air Force installation while under suspended driving privileges and for fraudulently obtaining base housing. She was punished with a suspended reduction in grade to Airman First Class, forfeiture of pay and 30 days extra duty. Applicant was also administratively disciplined for failure to go, failure to maintain lawn in base housing, and for being arrested twice by civilian authorities for driving under the influence. 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

[REDACTED] (Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Hickam AFB, HI on 3 Aug 06 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 25 Oct 80. Enlmt Age: 17 3/12. Disch Age: 25 9/12. Educ: HS DIPL. AFQT: N/A. A-41, E-38, G-40, M-62. PAFSC: 2A655 - Aircraft Hydraulic Systems Journeyman. DAS: 21 Aug 03.

b. Prior Sv: (1) AFRes 28 Oct 98 - 22 Jun 99 (7 months 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Jun 99 for 6 years. Extended 3 Apr 03 for 23 months. Svd: 07 Yrs 01 Mo 11 Das, all AMS.

b. Grade Status: SrA - 06 Dec 01
A1C - 06 Aug 99

c. Time Lost: None.

d. Art 15's: (1) 18 Jan 05, Hickam AFB, HI - Article 92. You, having knowledge of a lawful order issued by Lt Col [REDACTED], to wit: "Your driving privileges on all AF installations are hereby suspended for one year effective immediately," an order which it was your duty to obey, did, on or about 26 May 04, fail to obey the same by wrongfully driving on an AF installation. Article 92. You, who knew or should have known of your duties, from on or about 28 Aug 03 to on or about 3 Aug 04, were derelict in the performance of those duties in that you willfully obtained housing fraudlently and failed to report that you did not have any dependents living with you, as it was your duty to do. Suspended reduction to A1C and 30 days extra duty. Forfeiture of \$820.00 pay per month for two months, that portion in excess of \$820.00 pay per month for one month is suspended. (No appeal) (No mitigation)

e. Additional: LOR/UIF/CR, 03 MAY 06 - Arrested by civilian police for DUI.

LOR/UIF, 24 AUG 04 - Failure to go.

RIC, 24 AUG 04 - Failure to maintain lawn in base housing.

LOR, 25 AUG 03 - Apprehended by civilian police for DUI.

f. CM: None.

g. Record of SV: 23 Jun 99 - 22 Feb 01 Dyess AFB 5 (Initial)
23 Feb 01 - 22 Feb 02 Dyess AFB 5 (Annual)
23 Feb 02 - 22 Feb 03 Dyess AFB 5 (Annual)
23 Feb 03 - 22 Feb 04 Hickam AFB 3 (Annual) REF
23 Feb 04 - 22 Feb 05 Hickam AFB 3 (Annual) REF
23 Feb 05 - 23 Feb 06 Hickam AFB 5 (Annual)

h. Awards & Decs: AFTR, NDSM, AFLSA, NCOPMER, AFOUA W/1 DEV, GWOTSM.

i. Stmt of Sv: TMS: (07) Yrs (09) Mos (06) Das
TAMS: (07) Yrs (01) Mos (11) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 29 Dec 06.
(Change Discharge to Honorable.)

Issue 1: No issues submitted.

ATCH

1. DD Form 214
2. Copy of Court judgment.

14FEB07/day



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

MEMORANDUM FOR SRA: [REDACTED] 735 AMS

21 Jun 2006

FROM: 735 AMS/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, *Administrative Separation of Airmen*, Chapter 5, paragraph 5.50, Pattern of Misconduct. If my recommendation is approved, your service will be characterized as General. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached.

2. My reasons for this action are:

a. On or about 22 Mar 06, you were arrested by the Kaneohe Police Department for driving under the influence (DUI) of alcohol, after an officer noted that you failed to maintain a single lane of traffic. You failed the Standardized Field Sobriety Test and refused to take the breath test. Driving under the influence of alcohol is a violation of Article 111 of the UCMJ. For this misconduct that jeopardized the health and safety of others, you received a Letter of Reprimand (LOR), dated 3 May 06, and you were placed on a control roster. Your base driving privileges were again suspended for one year as of 7 Apr 06.

b. On or about 20 Aug 04, you failed to go to a housing final out-processing appointment at 210A 16th Street, Hickam AFB, in violation of Article 86, UCMJ. For this misconduct, you received a LOR dated 24 Aug 04.

c. On or about 10 Aug 04, you received a ticket from the housing office for because you had failed to maintain your lawn. For this misconduct, you received a Letter of Counseling (LOC), dated 24 Aug 04.

d. On or about 26 May 04, you failed to obey a lawful order issued by Lieutenant Colonel Robert K. Boyles, stating, "Your driving privileges on all Air Force Installations are hereby suspended for one year effective immediately," when you wrongfully drove on Hickam AFB. Additionally, you fraudulently obtained government quarters on Hickam AFB from 28 Aug 03 to 3 Aug 04, despite the fact that you had no dependents residing with you. For these acts of misconduct, you received an Article 15. Your punishment consisted of a suspended reduction to the grade to A1C, forfeiture of \$820.00 per month for 2 months (one month suspended), and 30 days extra duty.

e. On or about 14 Aug 03, you were apprehended by the Vacaville CA, Police Department for driving under the influence (DUI) of alcohol. Your Blood Alcohol Content (BAC) was reported at .2, twice the legal limit. For this misconduct, you received a Letter of Reprimand (LOR),

dated 25 Aug 03. You were referred to the Alcohol and Drug Abuse Prevention and Treatment Office (Bldg. 1105, Hickam AFB) for substance abuse evaluation. Your driving privileges on all Air Force Installations were suspending for one year. An Unfavorable Information File (UIF) was reestablished 29 Aug 03.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. This action could result in your separation with a UOTHC Discharge. I am recommending, you receive a General Discharge. The commander exercising special court-martial jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the United States Air Force and will probably be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subjected to recoupment.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to Primary Care on 21 June, at 1400 hours for the examination.

6. 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. [] at Yakola AFB on 21 June, at 1500 hours. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to employ civilian counsel. The Military Component does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, by 30 June at 1500 hours (7 duty days), specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

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 Unit Orderly Room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

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



Commander, 735th Air Mobility Squadron

Attachments:

1. LOR (2 pages), dated 3 May 06
2. LOR w/member's response (4 pages), dated 24 Aug 04
3. LOC (2 pages), dated 24 Aug 04
4. AF Form 3070 (3 pages), dated 18 Jan 05
5. LOR (2 pages), dated 25 Aug 03