

# 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 <b>AB</b>		AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		
TYPE	GEN	<b>X</b>	PERSONAL APPEARANCE		RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION <b>Mr. Philip Riley The American Legion</b>			ADDRESS AND OR ORGANIZATION OF COUNSEL <b>1608 K ST NW Washington DC 20006</b>		
YES	No						
<b>X</b>							
MEMBER SITTING <div style="border: 1px dashed black; height: 150px; width: 100%;"></div>			VOTE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
							X    +*
			X				+*
			X				+*
							X    +*
ISSUES  <b>A92.17 A92.21 A93.33 A94.05 A94.11</b>		INDEX NUMBER  <b>A67.10</b>		EXHIBITS SUBMITTED TO THE BOARD			
				<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		
				<b>5</b>	ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
					TAPE RECORDING OF PERSONAL APPEARANCE		
HEARING DATE <b>12 Jul 2007</b>		CASE NUMBER <b>FD-2007-00029</b>					
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 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</p> <p>* Reenlistment Code</p> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>							
INDORSEMENT				DATE: 7/16/2007			
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

FD-2007-00029

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

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB on 12 Jul 2007.

The following additional exhibits were submitted at the hearing:

Exhibit #5 Applicant's Contentions (w/ American Legion Counsel's statement attached).

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

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

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received nonjudicial punishment under Article 15, UCMJ, that nonjudicial punishment was vacated due to additional misconduct, that the applicant was issued two Letters of Reprimand and a Record of Individual Counseling, as well as had this information placed within her unfavorable information file and was placed on the control roster during her short two years of service. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior, even despite the challenges she claimed from having a new supervisor. Additionally, although the applicant claims that her command failed to consider or investigate what was really happening to her, testimony indicated that the applicant spoke to her commander and numerous NCOs personally about her concerns, and since she worked directly and in close proximity to the commander as part of his commander's support staff, it was difficult to credit the applicant's assertion that a personality conflict with her direct supervisor was the cause of her troubles. The record shows the commander, the staff judge advocate, and the separation authority all considered probation and rehabilitation, but all felt the applicant was not a suitable candidate, based on her acts of misconduct. The majority of the Board Members 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 and other accomplishments. They found the seriousness of the willful misconduct offset the positive aspects of the applicant's duty performance and off-duty activities. The majority Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 3 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well in her life and has held a good job for a number of years. However, no inequity or impropriety in her discharge was found in the course of the hearing. The majority Board concluded the misconduct of the applicant during her term of service was appropriately characterized.

Issue 4. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, she signed a statement that she understood she must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

Issue 5. Applicant contends that she should not be penalized indefinitely for a mistake she made when young. The DRB recognized the applicant was over 21 years of age when the discharge took place. However, there is insufficient evidence to show that she was so immature or couldn't tell right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

Issue 6. Applicant requests that the reason (minor disciplinary infractions) for her discharge be changed to "Secretarial Authority." Applicant concludes that she should not be labeled with "minor disciplinary infractions." The DRB opined that the reason for discharge was minor disciplinary infractions which is in accordance with AFI 36-3208, paragraph 5.49, *Misconduct*, and includes individuals who fail "to comply with nonpunitive regulations or minor offenses under the UCMJ. Infractions of this type result, as a rule in informal (reduced to writing) or formal counseling, letters of reprimand, or Article 15, nonjudicial punishments." This definition precisely describes the applicant's pattern of misconduct. A discharge under Secretarial Authority would only be appropriate when discharge would serve the best interests of the Air Force and a discharge for cause is not warranted. The Board concluded the reason for 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, 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Eglin AFB, FL on 25 Nov 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Jul 81. Enlmt Age: 18 11/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-63, E-50, G-42, M-26. PAFSC: 3S031 - Personnel Apprentice. DAS: 29 Dec 00.

b. Prior Sv: (1) AFRes 22 Jun 00 - 05 Sep 00 (2 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Sep 00 for 4 years. Svd: 02 Yrs 02 Mo 20 Das, all AMS.

b. Grade Status: AB - 11 Oct 02 (Vacation of Suspension, 28 Oct 02)  
Amn - 11 Oct 02 (Article 15, 11 Oct 02)  
A1C - 06 Jan 02  
Amn - 06 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 28 Oct 02, Vacation, Eglin AFB, FL - Article 92. You, who knew of your duties, on or about 16 Oct 02, were derelict in the performance of those duties in that you willfully failed to refrain from allowing another individual to use your military identification card to obtain services from the dining facility, as it was your duty to do. Reduction to AB. (No appeal)  
(No mitigation)

(2) 11 Oct 02, Eglin AFB, FL - Article 92. You, who knew of your duties, on divers occasions between on or about 3 Jun 02 and 26 Aug 02, were derelict in the performance of those duties in that you willfully failed to refrain from using the government telephone to place long distance calls, as it was your duty to do. Reduction to AB, with reduction below Amn suspended. Restriction to the limits of Eglin AFB, FL (as marked by East, West, ACC and Hospital gates) for 21 days and a reprimand.  
(No appeal) (No mitigation)

e. Additional: LOR/UIF, 30 AUG 02 - Disrespectful, argumentative and failed to follow the orders of an NCO

in the performance of his duties.  
LOR, 30 AUG 02 - Making a false statement.  
RIC, 18 APR 02 - Late for work.

f. CM: None.

g. Record of SV: 6 Sep 00 - 5 May 02 Eglin AFB 4 (Initial)

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

i. Stmt of Sv: TMS: (03) Yrs (05) Mos (04) Das  
TAMS: (02) Yrs (02) Mos (20) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Jan 07.  
(Change Discharge to Honorable.)


Issue 1: Discharge was based on minor disciplinary actions during last couple of months of 26 months time in service. Also, I believe that the actions were due to having an inexperienced supervisor.

Issue 2: Additional issues attached.

**ATCH**

1. Applicant's issues.
2. Four character references.

13MAR07/day



Board for Corrections of Air Force Records  
SAF/MRBR  
550-C Street West, Suite 40  
Randolph AFB, TX 78150-4742

January 19, 2007

To Whom It May Concern:

I was in the US Air Force for 26 months and was discharged. While active-duty, I learned many things such as: character, discipline, patience and perseverance. As a result of being discharged with a general under honorable characterization, it has affected my eligibility for education benefits. I will like to have the discharge upgraded to honorable; and I believe that this is merit able because of my overall conduct, character, and intentions at each assignment and post service conduct.

I enlisted in the Air Force with intentions to acquire a degree and become an officer. In 2001, while assigned to 96 MSS, I began to chart the progress of my dream. Although I experienced a change of lifestyle, I felt that I was a part of a well-rounded team and was eager to learn. As a result, I became involved with community development, family support and team morale by volunteering to: lead various fundraisers, undertake additional duties and go "above and beyond". My military appearance and living area was extremely sharp. For instance, I received rewards for earning "Room of the Month" a couple of times and was hand picked out of 15 other airmen to participate in a change of command ceremony. In an effort to maintain a safe working environment after the tragic September 11 attacks, I volunteered to be the first to control the entrance that led to 100% accountability of all personnel and visitors. I helped organize and build "Unity Park", a children's park, located on Eglin Air Force Base. My superiors received over 26 e-mails complimenting my customer service and I scored an 89 on my first volume of CDC's. Unfortunately, in November of 2001, my job, Awards and Decorations, was contracted to civilians. As a result, I was reassigned to 40 FTS/Orderly Room. Upon leaving, I received special recognition for my exceptional duty performance and outstanding contributions.

Upon arriving to 40 FTS, I learned that my supervisor graduated from airman leadership school a couple of weeks before I arrived. Initially, I was excited and thought that the change will help me continue to flourish and learn. However, I witnessed her stress about immediately receiving a troop, she outwardly spoke of her feelings for the superiors and

her objective to leave the squadron. In spite of this, I remained focus on my dream and through recognition from my peers; I was elected vice-president of the Unit Advisory Council. Once again, I received e-mails complimenting my customer service and I received special recognition from the base commander's wife for having a "show place room". I restructured in and out-processing checklists in order to reduce processing time by one day. I continued to volunteer for additional duties: participated in the base flag retreat twice, processed over 40 income-tax returns for military members and family, volunteered to deploy to support Operation Enduring Freedom and assisted during commander calls/ promotion ceremonies. Also, I completed my second volume of CDC's seven months ahead of schedule, scored an 88 and was able to start college earlier than planned. Then, I began to feel tension and receive sarcastic comments from my supervisor. In search for a resolution; Initially, I went to my chain of command. Then, I tried to change assignments. None availed. Soon, I began to receive write-ups for minor disciplinary infractions and became frustrated. As a result of my actions, I was discharged. While being discharged, I learned that my supervisor got the change of assignment that she wanted

As you will see, I am a very positive person. Since my discharge, I am free of any arrests, convictions and have worked at the same business for the past three years. I firmly believe that if I was in a different environment or was more mature during that time, I would still be in the Air Force. Even though I feel that everything that happened wasn't my fault, I understand and learned from it. I am responsible for my actions and I regret mistakes I made which affected my career. I hope that you will see my objective, achievements, and accomplishments while in the Air Force. I also hope that it will be in best interests for you to upgrade my discharge to honorable. If you need additional information, feel free to contact me. Thank you for your time and consideration.

Sincerely,





DEPARTMENT OF THE AIR FORCE  
40<sup>TH</sup> FIGHTER TEST SQUADRON (ACC)  
EGLIN AIR FORCE BASE, FLORIDA

12 Nov 02

MEMORANDUM FOR AB: [REDACTED] 40 FTS (AFMC)

FROM: 40 FTS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. Between on or about 3 June 2002 and 26 August 2002, you failed to refrain from using the government telephone to place personal long distance calls. For this offense, you received nonjudicial punishment, dated 11 October 2002.

b. On or about 16 October 2002, you failed to refrain from allowing another individual to use your military identification card to obtain services from the dining facility. For this offense, you received a vacation of suspended nonjudicial punishment, dated 28 October 2002.

c. On or about 12 August 2002, you were disrespectful, argumentative, and failed to follow the orders of an NCO in the performance of his duties. Furthermore, TSgt Montgomery asked you to leave the dining hall because you were not in compliance with the dress code. You also refused to show your identification card. In addition, you were disrespectful while performing your duties in the Commanders' Support Staff by hanging up the phone on a customer. For these offenses, you received a letter of reprimand, dated 30 August 2002.

d. On or about 28 August 2002, you disobeyed a lawful order not leave work early. You also made a false statement to MSgt Teeter that you were given permission by SSgt Beard to leave early knowing it was false. For these offenses, you received a letter of reprimand, dated 30 August 2002.

e. On or about 17 April 2002, you failed to report to duty on time. For this offense you received a record of individual counseling, dated 18 April 2002.

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. Special pay, bonuses, or education assistance funds may be subject to recoupment.

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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] at building 451, 882-4185, on 13 NOV 02 at 0800 hours. 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 within 3 workdays from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on 14 NOV 02 at 0830 hours.

8. Immediately after completion of your 96<sup>th</sup> Mission Support Squadron briefing report to the 96<sup>th</sup> Traffic Management Office with a completed AFDTC Form 4134 or LGTT Office Form B133 and an Authorization Letter (provided by Separations) to schedule your TMO pickup. If you have a TMO pickup it must be before 19 NOV 02.

9. You will complete a medical examination with the 96th Medical Group, physical examination section on 15 NOV 02 at 0715 hours

10. You are required to receive a briefing from the Family Support Center prior to your separation. You were scheduled to receive your Transition Assistance Management Program (TAMP) briefing on 19 NOV 02 at 0950 hours.

11. 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 in your unit orderly room.

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

[Redacted Signature Box]

Commander

Attachments:

1. Supporting Documents
2. Airman's Acknowledgment



DEPARTMENT OF THE AIR FORCE  
40<sup>TH</sup> FIGHTER TEST SQUADRON (ACC)  
EGLIN AIR FORCE BASE, FLORIDA

MEMORANDUM FOR 96 ABW/CC

5 NOV 2002

FROM: AAC/JA

SUBJECT: Legal Review, AFI 36-3208 Administrative Discharge, AB [REDACTED]  
[REDACTED] 40 FTS (AFMC)

1. **LEGAL SUFFICIENCY:** I reviewed the attached discharge package concerning AB Tianna D. White and find it legally sufficient to support an administrative discharge action for minor disciplinary infractions under AFI 36-3208, paragraph 5.49.

2. **INITIATION OF ACTION:** On 12 November 2002, Lt Col [REDACTED] 40 FTS/CC, notified the respondent he was recommending the respondent be administratively discharged for minor disciplinary infractions under AFI 36-3208, paragraph 5.49. Lt Col [REDACTED] recommends the respondent receive a general discharge without probation and rehabilitation (P&R). The respondent is not entitled to an administrative discharge board.

3. **EVIDENCE CONSIDERED FOR THE GOVERNMENT:** AB [REDACTED] history of misconduct include the following offenses: making personal long distance calls on a government phone; allowing another individual to use her ID card to obtain services from the dining hall; failing to follow orders of an NCO in the performance of his duties; refusing to show her ID card; disrespectful while performing duties in the Commander's Support Staff by hanging up on a customer; leaving work without authority; making a false statement to MSgt [REDACTED] that she had permission to leave early; and failing to report to duty on time. For these offenses, the respondent received nonjudicial punishment, vacation of suspended nonjudicial punishment, two letters of reprimand, and a record of individual counseling. Copies of the supporting documents are attached to the notification memorandum (Tab 1).

4. **RESPONDENT'S SUBMISSION:** The respondent is a 22 year-old Personnel Apprentice who enlisted in the Air Force on 6 September 2000. She was assigned to her current unit on 29 December 2000. After being advised of her rights to counsel and to submit statements, the respondent consulted with counsel and submitted a statement for your consideration. The respondent has no desire to remain in the Air Force and request that you characterize her service as honorable (Tab 2 & 3).

5. **DISCUSSION:**

a. *Separation Criteria:* This file is legally sufficient to support discharge pursuant to AFD 36-32 and AFI 36-3208, paragraph 5.49. Pursuant to this paragraph, an airman may be administratively discharged if he has engaged in misconduct consisting solely of minor disciplinary infractions. Minor disciplinary infractions would include failure to comply with nonpunitive regulations or minor offenses under the UCMJ and usually results in letters of counseling, letters of

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reprimand, or nonjudicial punishments. In this case, the respondent engaged in instances of minor offenses under the UCMJ as stated in paragraph 3 above.

b. *Character of Discharge*: Discharge under paragraph 5.49 can be described as under other than honorable conditions (UOTHC), general, or honorable. A UOTHC discharge is appropriate when there has been a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of airmen. A general discharge is warranted when an airman's service has been honest and faithful, but significant negative aspects of the airman's performance of duty outweigh positive aspects of the airman's military record. An honorable discharge would be appropriate when the member's service has been so meritorious that any other characterization would be clearly inappropriate. Based on the respondent's repeated acts of misconduct, an honorable discharge is not appropriate. Therefore, I recommend the respondent be separated with a general discharge.

c. *Probation & Rehabilitation (P&R)*: Respondent is eligible for P&R under AFI 36-3208, chapter 7. P&R is limited to deserving cases, including those where the airman has demonstrated a potential to serve satisfactorily, has the capacity to be rehabilitated for continued military service or for completion of the current enlistment, or whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline in the Air Force. Past rehabilitative efforts, as set forth in paragraph 3, have been unsuccessful. Consequently, P&R is not recommended in this case.

6. **OPTIONS**: As the Special Court-Martial Convening Authority in this case, you have the following options:

- a. Disapprove the discharge action and retain the respondent;
- b. Approve the discharge action and separate the respondent with a general discharge, with or without P&R;
- c. Return the file to the unit with a recommendation to reinitiate the case with a recommendation for a UOTHC discharge; or
- d. Forward the discharge package to the General Court-Martial Convening Authority, along with your recommendation that the respondent receive an honorable discharge, with or without P&R.

7. **RECOMMENDATION:** For the reasons set forth above, I recommend the respondent be discharged from the United States Air Force under AFPD 36-32 and AFI 36-3208, paragraph 5.49, with a general discharge, without P&R.

Deputy Staff Judge Advocate

Attachment:  
Case File (White)