

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>				GRADE AMN		AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>		
TYPE GEN		X		PERSONAL APPEARANCE				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				RECORD REVIEW		
YES		No		ADDRESS AND OR ORGANIZATION OF COUNSEL				
X								
				VOTE OF THE BOARD				
				HON	GEN	UOTHC	OTHER	DENY
				X*+				
				X*+				
				X*+				
				X*+				
				X*+				
ISSUES A94.02 A94.06 A94.12 A94.56		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 HEARING				
HEARING DATE 14 Jan 2010		CASE NUMBER FD-2008-00475						
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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <p>*RE Code (3K)</p> <p>+Narrative Reason (Secretarial Authority)</p>								
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, 4E WING, 3RD FLOOR ANDREWS AFB, MD 20762-7001				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE	CASE NUMBER FD-2008-00475
<p>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.</p> <p>The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 14 Jan 2010. The following witness also testified on the applicant's behalf: Ms. NS, (aunt).</p> <p>The following additional exhibits were submitted at the hearing: Exhibit 5: Applicant's Contentions</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDING: The Board grants the requested relief.</p> <p>The Board finds the evidence of record does not substantiate an impropriety that would justify a change in the discharge. However, based upon the record and evidence provided by the applicant, the Board finds the applicant's character of discharge and reason and authority for discharge to be inequitable.</p> <p>ISSUE:</p> <p>Issue 1. Applicant contends the discharge was inequitable because she was falsely accused of being disrespectful and having a problem with authority. The applicant received a Letter of Reprimand (LOR) from her supervisor's supervisor (SMSgt SS) the day prior to her scheduled date to start maternity leave. The LOR was in reference to her unprofessional conduct from 14-17 Aug with the Medical Group staff. She received a direct order to not contact the Medical Group staff without one of four members of her Squadron staff present. According to the record and applicants testimony, she was contacted by the Medical Group staff that there was a change in the point of contact that was working her referral for delivery of her child (from Major G to Major F). On 14 Aug when she contacted Major F regarding her referral, she was told that missing from her file was the letter which would allow her to travel to Chicago. The applicant had already provided this information and became upset when Major F told her that her referral would be canceled without this letter, especially since the applicant had been working the referral since May. The applicant stated that she had an appointment the next day (15 Aug) with her doctor and could bring the letter following her appointment. Applicant was unable to make the appointment on the 15th and when she notified Major F, her referral was canceled. When she was able to make her doctor's appointment two days later (17 Aug), she received the travel authorization letter and provided it to Major F. However, Major F had already contacted the Squadron Commander (on 15 Aug) and complained of applicant's disrespectful, rude, and unprofessional behavior over the phone. During applicant's testimony she admitted that she was extremely upset and crying, but if anything, was persistent in questioning Major F as to why the travel approval was missing and the reason for the cancelation of her referral. After considering the applicant's records and testimony, the Board opined that the LOR was too harsh. The Board grants the upgrade of the characterization of discharge to Honorable, change the reason and authority for the discharge, and to change the reenlistment code.</p> <p>Issue 2. Applicant contends she was punished for using MEO and the IG and was railroaded into signing UIF documents. The applicant states when she went to the IG to fill out a complaint against SMSgt SS, she was punished with an Article 15, reduction in grade, 15 days of extra duty, and later an LOR. She states that her MEO and IG complaints were unsubstantiated due to SMSgt SS having friends working these offices.</p>	

The Board determined the punishment received by the applicant was too harsh and the influence of SMSgt SS (against the applicant) on the Squadron Commander and First Sergeant was improper. The Board grants the upgrade of the characterization of discharge to Honorable, change the reason and authority for the discharge, and to change the reenlistment code.

CONCLUSION: 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 the applicant was provided full administrative due process. However, in view of the foregoing findings, the Board concludes the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority and the reenlistment code changed to 3K under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief