

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE		AFSN/SSAN 576-39-1434	
TYPE GEN	X	PERSONAL APPEARANCE		RECORD REVIEW			
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL					
YES	No						
	X						
MEMBER SITTING				OFFICE OF THE BOARD			
				HON	GEN	UOTHC	OTHER
				X			X
				X+			
				X+			
				X+			
				X			
ISSUES A94.02 A94.56		INDEX NUMBER A60.00 A12.00		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 02 Aug 2012		CASE NUMBER FD-2010-00427					
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>							
RETARIAN				DATE			
INDORSEMENT				DATE			
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 20762-7001			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2010-00427

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, Maryland on 02 Aug 2012.

The following additional exhibits were submitted at the hearing:

Exhibit 6: Statement from applicant

Exhibit 7: Transcript

Exhibit 8: Greeting card from cadet

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

FINDING: The Board grants upgrade of the discharge to honorable and the change of reason and authority for discharge.

ISSUE:

The applicant contends her discharge was inequitable and unfair when compared to other cases of similar misconduct. The records indicated the applicant received one Letter of Reprimand (LOR), a Letter of Counseling (LOC) and a Record of Individual Counseling (RIC) for misconduct. The LOR was the primary reason for the applicant's discharge, for fraternizing and engaging in an unprofessional relationship with an enlisted member (Article 134 of UCMJ), and violating a 72-hour quarters restriction (Article 92 of UCMJ) by traveling to Tennessee six-hours before the end of the restriction. The LOC was issued for using inappropriate tone and demeanor with Security Forces Squadron personnel following a traffic stop. The RIC was issued for a one-time instance of reporting to work late and was not used as part of the discharge recommendation. The applicant was discharged with an Under Honorable Conditions (General) discharge for the fraternization and unprofessional conduct prior to her marriage to an Air Force enlisted member, A1C GT. During the hearing the applicant testified that she and A1C GT married without ever dating or having any personal or intimate contact, "I simply married someone because I knew I couldn't date him." She testified that they had snippets of 30-second conversations in passing in their squadron building, and happened to run-in-to each other at a Chinese restaurant in June 2006 where they were each picking up carry-out orders of food; while waiting for their food, they sat at the same table and had a casual 10-15 minute conversation. Both the applicant and A1C GT worked in the same squadron building and would run into each other in the halls and snack bar. The applicant was an Air Battle Manager student and A1C GT was on the faculty in the aircraft simulator. The applicant said that early on in her eight-month training course (late Winter to early Spring), A1C GT was an instructor four to five times during this four week block of instruction and she had nothing but professional work related interaction with him during this time. The applicant received verbal counseling in July 2006 by two squadron Assistant Director of Operations (ADOs) regarding unprofessional relationships, following a report from one of the squadron officers that the applicant and A1C GT had been seen together at the Chinese restaurant. However, this counseling did not mention A1C GT's name or present any specific details of her unprofessional encounters with enlisted personnel. The applicant testified that she did not know specifically what they were discussing and it was possibly about a previous relationship she had following her Officer Training School commissioning. Since she did not have any kind of relationship with A1C GT, she didn't associate the counseling with him.

With regards to the quarters violation, the applicant testified that she was placed on 72-hours quarters on 6 Sep 2006 at approximately 0800. There was no start time on this quarters form or any previous quarters

form she had received, and in the past if she was planning a weekend trip to Tennessee had been placed on quarters, she would not leave for the trip until the day the quarters expired. It was never previously discussed with her physician or her squadron leadership as a violation of the quarters restriction, and her leadership was aware of her travel to Tennessee as previously approved. As her current 72-hours quarters restriction would have expired at approximately 0800 on 9 Sep 2006, when she left for Tennessee at 0200 on 9 Sep 06, this was a six-hour violation of that restriction. Her leadership became aware of the violation when she and A1C GT reported their 9 Sep 2006 marriage when they reported back to work on 11 Sep 2006; when asked what time she left for Tennessee, she provided the accurate time she departed. The applicant also testified that any quarters restrictions she was placed on after this incident, her physician placed a start and stop time on the quarters form. The applicant also testified that she and A1C GT drove separately to Tennessee to be married. As unbelievable and inconceivable as the applicant's relationship with A1C GT appeared, the DRB believed the applicant was being truthful and honest in her statements and there was no fraternization or unprofessional relationship with A1C GT prior to their marriage, and the discharge characterization was inequitable. Based on the overall evidence and the applicant's testimony, the Board grants the upgrade of the characterization of discharge to Honorable, and changes the reason and authority for the discharge to Secretarial Authority.

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 that 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 under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief