

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

AMN

TYPE GEN

X

PERSONAL APPEARANCE

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

A94.05

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

30 Nov 2010

CASE NUMBER

FD-2009-00096

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in Washington, D.C.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

Names and votes will be made available to the applicant at the applicant's request.

X - Reason and Authority and Reenlistment Code

INDORSEMENT

DATE: 12/1/2010

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-2009-00096
<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 was scheduled for a personal appearance before the Discharge Review Board at Andrews Air Force Base, Maryland on 30 Nov 2010, but failed to appear or notify the board, thereby forfeiting her right for further review by the Discharge Review Board.</p> <p>FINDING: The Board denies the upgrade of the discharge, change of reason and authority for discharge, and change of reenlistment code.</p> <p>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.</p> <p>ISSUE:</p> <p>Applicant contends her discharge was inequitable because it was too harsh and based on one isolated incident. The applicant submits that she believes she deserves a second chance despite her discrepancies so that she may serve her country in another branch of service. The records indicated the applicant received two Article 15s and three Letters of Reprimand for misconduct. Her misconduct consisted of failure to go (3x), disobeying a lawful order and endangering the safety of her child. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior. The Board concluded that the negative aspects of the applicant's service outweighed the positive contributions she made in her Air Force career. The characterization of the discharge received by the applicant was found to be appropriate.</p> <p>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.</p> <p>In view of the foregoing findings, the Board further concludes that there exists no legal or equitable basis for upgrade of discharge and determines the discharge should remain unchanged.</p> <p>Attachment: Examiner's Brief</p>	

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved
OMB No. 0704-0004
Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C.1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one)	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. [REDACTED]	c. GRADE/RANK AT DISCHARGE		[REDACTED]		
2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)		4. DISCHARGE CHARACTERIZATION RECEIVED (X one)			
20081124		<input type="checkbox"/> HONORABLE <input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS <input type="checkbox"/> BAD CONDUCT (Special court-martial only) <input type="checkbox"/> UNCHARACTERIZED <input type="checkbox"/> OTHER (Explain)			
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION		CHANGE TO HONORABLE CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) CHANGE NARRATIVE REASON FOR SEPARATION TO:			
Dental SG (AFE) Randolph AFB / IE (Aviation IT)					

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

My discharge was inequitable because it was based on one isolated incident in 28 months of service with no adverse action.
 * Please see attached letter (encl Section 14) for additional information

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE..

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or

CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME, I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.	
<input checked="" type="checkbox"/>	I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
<input type="checkbox"/>	I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10. a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.)	b. TELEPHONE NUMBER (Include Area Code)
	c. E MAIL
	d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

<input type="checkbox"/> SPOUSE	<input type="checkbox"/> WIDOW	<input type="checkbox"/> WIDOWER	<input type="checkbox"/> NEXT OF KIN	<input type="checkbox"/> LEGAL REPRESENTATIVE
[REDACTED]				
[REDACTED]				
[REDACTED]				

I hereby certify that I am the applicant, or I am the legal representative of my claim, with full knowledge of the pe... (U.S. Code, Title 18, Sections 287 and 1001, provide the...)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

20090204

FD2004-00096

PREVIOUS EDITIONS ARE OBSOLETE.

**DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD**

AFDRB BRIEF							
				DOCKET # FD2009-00096		COMPONENT: USAF	
TYPE OF DISCHARGE: GENERAL		DISCHARGE FROM: AVIANO AB, IT		DISCHARGE DATE: 24 NOV 08		APPEALS FOR: HON DISCH, RE CODE & NARRATIVE REASON	
DOB/ ENLMT AGE : 24 JUL 88 17 7/12		DISCH AGE: 20 4/12		FORMER: AMN		HGH: A1C	
AFSC: 4Y031- DENTAL ASSISTANT APPRENTICE				DEP DT: 14 MAR 06		ASVAB SCORES: A: 47 E: 40 G: 51 M: 20	
D. ART 15: ART 15: 2		D. LOR, LOA, RIC, LOC: LOR: 3		E. SPCM / GCM: NONE		ADDITIONAL: (IE. CIVIL CONV, CDC) NONE	
F. RECORD OF SERVICE (EPR/ OPR, PAST TO PRESENT) : 5 JUL 06 – 4 MAR 08 AVIANO AB 2 (INITIAL)							
G. AWARDS & DECS: NDSM, GWTSM, AFTR							
EAD: 5 JUL 06		DAS: 6 DEC 06		H. TMS: 2 YRS, 8 MOS, 10 DAS		TAMS: 2 YRS, 4 MOS, 20 DAS	
APPLN (DD FORM 293) DTD: 4 FEB 09		DT/ INITIALS: 1 SEP 09/ VML		NPA: NO		PA: YES – WASHINGTON D.C.	
RECORDS :		MPR:		ARMS: X		STR: X	
				ISSUES: YES		ATTACHMENTS: YES	
AUTH FOR DISCHARGE : AFI 36-3208, PARA 5.49 (MISCONDUCT: MINOR DISCIPLINARY INFRACTIONS)							
ART 15; SPCM; GCM; ADDITIONAL: <div style="margin-left: 40px;"> LOR : 9 JUL 07 – FAILED TO GO TO FIRE STATION. LOR : 25 JUL 07 – FAILED TO GO TO SQ PT & HID IN ANOTHER AMN'S DORM. LOR : 31 JUL 07 – FAILED TO GO TO SQ PT. (1) ART 15 : 24 SEP 07 – (ART 91) DISOBEYED A LAWFUL ORDER FROM SNCO. (2) ART 15 : 15 OCT 08 – (ART 134) ENDANGERED THE SAFETY OF HER CHILD. </div>							
EXAMINER'S NOTE: MISSING NOTIFICATION MEMORANDUM.							
NOTES:							