

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE		AFSN/SSAN				
TYPE GEN		PERSONAL APPEARANCE				X RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No									
	X									
						VOICE OF THE BOARD				
						HON	GEN	UOTHC	OTHER	DENY
										X
										X
										X
										X
										X
ISSUES <b>A94.55</b>		INDEX NUMBER <b>A67.90</b>				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 <b>21 Jan 2011</b>		CASE NUMBER <b>FD-2009-00477</b>								
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>										
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						

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	<b>CASE NUMBER</b> <b>FD-2009-00477</b>
<p><b>GENERAL:</b> The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined and requests that the review be completed based on the available service record.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p><b>FINDING:</b> The Board denies the upgrade of the discharge.</p> <p><b>ISSUE:</b> Applicant received a General discharge for a Pattern of Misconduct-Conduct Prejudicial to Good Order and Discipline</p> <p>Applicant submitted no issues regarding the inequity or impropriety of her discharge. The applicant states that her discharge did not take into account the good things she did while in the service. The record indicates the applicant received one Vacation of punishment, two Article 15s, two Letters of Reprimand, two a Letters of Counseling and a Record of Individual Counseling. Her misconduct included depriving suite mate from using joint restroom in dorm by locking her out, missed two appointments, failed to follow instructions from a Junior Non-Commissioned Officer, with intent to deceive made false official statements (5x), failed to go to duty on time (2x), failed to do morning clean-up, disobeyed a no contact order, failed to go to Airman Leadership School on time (2x), failed to go to guard mount on time, and drunk on duty. 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 any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.</p> <p>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 (DD Form 2366, on June 14, 2004) 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.</p> <p><b>CONCLUSION:</b> 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.)

OMB No. 0704-0004  
OMB approval expires  
Oct 31, 2009

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. NAME (Last, First, Middle Initial)	E-3			d. SOCIAL SECURITY NUMBER	
e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 (Forward notification of any change in address)			f. TELEPHONE NUMBER (Include Area Code)		
			g. E-MAIL		
			h. FAX NUMBER (Include Area Code)		

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)	5. BOARD ACTION REQUESTED (X one)
20080123	<input checked="" type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)	<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION:
Little Rock Air Force Base	<input type="checkbox"/> UNCHARACTERIZED	
19th Security Forces Squadron	<input type="checkbox"/> OTHER (Explain)	

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 13. See instructions on Page 3.)

I served my country and did good things in the Air Force. After returning from my tour in Iraq, I had a drinking problem and that ultimately led to my discharge. I would like my discharge upgraded in order to seek treatment at the VA hospital and further my education so that I can be a productive citizen.

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 14. If military documents or medical records are relevant to your case, please send copies.)

## 9. TYPE OF REVIEW REQUESTED (X one)

<input checked="" type="checkbox"/>	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 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 12.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.

☐ SPOUSE ☐ WIDOW ☐ WIDOWER ☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ OTHER (Specify)

12. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

CASE NUMBER (Do not write in this space.)

a. SIGNATURE-REQUIRED (Applicant or person in Item 11 above)	b. DATE SIGNED - REQUIRED (YYYYMMDD)	FD 2009-00477
	20090627	

13. CONTINUATION OF ITEM 6, ISSUES (If applicable)

14. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

15. REMARKS (If applicable)

**MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.**

**ARMY**

Army Review Boards Agency  
Support Division, St. Louis  
9700 Page Avenue  
St. Louis, MO 63132-5200  
(See <http://arba.army.pentagon.mil>)

**NAVY AND MARINE CORPS**

Naval Council of Personnel Boards  
720 Kennon Street, S.E.  
Room 309 (NDRB)  
Washington Navy Yard, DC 20374-5023

**AIR FORCE**

Air Force Review Boards Agency  
SAF/MRBR  
550-C Street West, Suite 40  
Randolph AFB, TX 78150-4742

**COAST GUARD**

U.S. Coast Guard  
Commandant (CG-122)  
2100 Second Street, S.W. Room 5500  
Washington, DC 20593

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

AFDRB BRIEF							
NAME (Last, First, MI):			SSN: -----		DOCKET # <b>FD-2009-00477</b>		COMPONENT: <b>USAF</b>
TYPE OF DISCHARGE: <b>GENERAL</b>		DISCHARGE FROM: <b>LITTLE ROCK AFB, AR</b>		DISCHARGE DATE: <b>23 JAN 09</b>		APPEALS FOR: <b>UPGRADE DISCHARGE</b>	
DOB/ ENLMT AGE: <b>21 FEB 86      18</b>		DISCH AGE: <b>22</b>		FORMER: <b>AB</b>	HGH: <b>SRA</b>	B. CURRENT DOR: <b>15 OCT 08</b>	C. TIME LOST: <b>NONE</b>
AFSC: <b>3P051 - SECURITY FORCES JOURNEYMAN</b>				DEP DT: <b>24 JAN 04</b>		ASVAB SCORES: <b>A: 69 E: 40 G: 47 M: 39</b>	
D. ART 15 / VAC: <b>ART 15: 2 / VAC: 1</b>		D. LOR, LOA, RIC, LOC: <b>LOR: 2 / RIC: 1 / LOC: 2</b>		E. SCM / SPCM / GCM: <b>NONE</b>		ADDITIONAL: (IE. CIVIL CONV, CDC) <b>NONE</b>	
F. RECORD OF SERVICE (EPR/ OPR, PAST TO PRESENT) : <b>08 JUN 04 - 08 FEB 06 LITTLE ROCK AFB 4 (INITIAL)</b> <b>09 FEB 06 - 27 DEC 06 LITTLE ROCK AFB 2 (DBH) REFERRAL</b> <b>28 DEC 06 - 27 DEC 07 LITTLE ROCK AFB 4 (ANNUAL)</b> <b>28 DEC 07 - 21 OCT 08 LITTLE ROCK AFB 2 (DBH) REFERRAL</b>							
G. AWARDS & DECS: <b>AAM, AFOUA W/3OLC, NDSM, GWOTSM, AFSM, AFLSA, AFTR</b>							
EAD: <b>08 JUN 04</b>		DAS: <b>07 DEC 04</b>		H. TMS: <b>5 YRS 0 MOS 0 DAS</b>		TAMS: <b>4 YRS 7 MOS 16 DAS</b>	
APPLN (DD FORM 293) DTD: <b>27 JUN 09</b>		DT/ INITIALS: <b>24SEP10/JLL</b>		NPA/PA: <b>NPA</b>		BOARD REGION:	
RECORDS :	MPR:NO	ARMS: YES	STR: NO	ISSUES: YES		ATTACHMENTS: NO	
AUTH FOR DISCHARGE : <b>AFI 36-3208, PARA 5.50.2 (A PATTERN OF MISCONDUCT: CONDUCT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE)</b>							
ART 15; VAC; SCM; SPMC; GCM; ADDITIONAL:							
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> <b>RIC:</b> <b>LOR:</b> <b>LOC:</b>  <b>LOC:</b> <b>LOR:</b>  <b>(1) ART 15:</b> <b>(2) ART 15:</b>  <b>(3) VAC:</b> </div> <div style="width: 80%;"> <b>13 JAN 06 - DEPRIVED YOUR SUITE MATE FROM USING YOUR JOINT RESTROOM IN THE DORM BY LOCKING HER OUT.</b>  <b>21 MAR 06 - MISSED TWO APPOINTMENT AT THE HAWC.</b>  <b>21 MAR 06 - FAILED TO FOLLOW INSTRUCTIONS FROM A JNCO TO NOT TALK ON THE PHONE WHILE DRIVING ON BASE UNLESS IT IS A HAND FREE DEVICE,</b>  <b>21 SEP 06 - WITH INTENT TO DECEIVE MADE A FALSE STATEMENT TO A SNCO.</b>  <b>19 OCT 06 - ON TWO SEPARATE OCCASSIONS FAILED TO GO TO DUTY ON TIME, &amp; FAILED TO DO MORNING CLEAN-UP ON ONE OF THESE DAY.</b>  <b>30 OCT 06 - (ART 92) DISOBEYED A NO CONTACT ORDER.</b>  <b>18 OCT 08 - (ART 107) ON 4 SEPARATE OCCASSIONS MADE FALSE STATMENTS WITH THE INTENT TO DECEIVE NCOS.</b>  <b>12 DEC 08 - (ART 86) FAILED TO GO TO ALS ON TIME ON 2 SEPARATE OCCASSIONS.</b>  <b>(ART 86) FAILED TO GO TO GUARD MOUNT ON TIME.</b>  <b>(ART 112) DRUNK ON DUTY.</b> </div> </div>							
EXAMINER'S NOTE:							
NOTES:							

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

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

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b. NAME (Last, First, Middle Initial)			c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER
			E-3		
e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 (Forward notification of any change in address)				f. TELEPHONE NUMBER (Include Area Code)	
				g. E-MAIL	
				h. FAX NUMBER (Include Area Code)	

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	<input type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE		
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS		
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)		
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION Little Rock Air Force Base 19th Security Forces Squadron	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)		<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION:	
	<input type="checkbox"/> UNCHARACTERIZED			
	<input type="checkbox"/> OTHER (Explain)			

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 13. See instructions on Page 3.) I served my country and did good things in the Air Force. After returning from my tour in Iraq, I had a drinking problem and that ultimately led to my discharge. I would like my discharge upgraded in order to seek treatment at the VA hospital and further my education so that I can be a productive citizen.

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

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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)
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	d. FAX NUMBER (Include Area Code)

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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OTHER (Specify)
SPOUSE	WIDOW	WIDOWER	NEXT OF KIN	LEGAL REPRESENTATIVE				

12. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. SIGNATURE-REQUIRED (Applicant or person in Item 11 above)	b. DATE SIGNED - REQUIRED (YYYYMMDD) 20090627	CASE NUMBER (Do not write in this space.) FD 2009-00477
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PREVIOUS EDITIONS ARE OBSOLETE.

13. CONTINUATION OF ITEM 6, ISSUES (If applicable)

14. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

15. REMARKS (If applicable)

**MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.**

**ARMY**

Army Review Boards Agency  
Support Division, St. Louis  
9700 Page Avenue  
St. Louis, MO 63132-5200  
(See <http://arba.army.pentagon.mil>)

**NAVY AND MARINE CORPS**

Naval Council of Personnel Boards  
720 Kennon Street, S.E.  
Room 309 (NDRB)  
Washington Navy Yard, DC 20374-5023

**AIR FORCE**

Air Force Review Boards Agency  
SAF/MRBR  
550-C Street West, Suite 40  
Randolph AFB, TX 78150-4742

**COAST GUARD**

U.S. Coast Guard  
Commandant (CG-122)  
2100 Second Street, S.W. Room 5500  
Washington, DC 20593



## DEPARTMENT OF THE AIR FORCE

19TH SECURITY FORCES SQUADRON  
LITTLE ROCK AFB, ARKANSAS 72099

7 Jan 09

### MEMORANDUM FOR AB

FROM: 19 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.
2. My reason for this action is:
  - a. On or about 13 January 2006, MSgt informed SSgt that you deprived your suite mate from using the bathroom facilities in building 714, room 207. You deprived her from using the facilities by keeping the inside door of her bathroom door locked from the inside. There were numerous attempts made to contact you on this matter via telephone with negative results. For your actions, you received Record of Individual Counseling, AF IMT 174 dated 13 January 2006 (Attachment 1-1).
  - b. On or about 13 March 2006 and on or about 17 March 2006, you missed two appointments at the HAWC. For your actions, you received a Letter of Reprimand (LOR) dated 21 March 2006 (Attachment 1-2).
  - c. On or about 17 March 2006, you were operating a Security Forces Patrol Car while talking on a cellular phone without using a hands-free device. You were previously briefed by TSgt that operating a vehicle on Little Rock AFB and utilizing a cellular telephone without a hands free device is prohibited. For your actions, you received a Letter of Counseling (LOC) dated 21 March 2006 (Attachment 1-3).
  - d. On or about 20 September 2006, you made a false official statement to the 314 SFS First Sergeant, MSgt. You told him you overslept and had to cancel your 0800 hrs appointment for 20 September 2006, at the LRAFB medical facility and reschedule for Wednesday, 27 September 2006. MSgt contacted the medical facility and discovered you had made the appointment for 27 September 2006 on the afternoon of 19 September 2006. You were in direct violation of Article 107 of the Uniform Code of Military Justice (UCMJ). For your actions, you received a LOC dated 21 September 2006 (Attachment 1-4).
  - e. On or about 17 October 2006, you failed to report to your place of duty at the time prescribed of 0730, to wit: building 480. Further, you failed to fulfill your duties of morning building cleanup. On or about 18 October 2006, you were derelict in the performance of your duties in that you failed to report to the Warfit track at the time prescribed of 0700. For your actions, you received a LOR dated 19 October 2006 (Attachment 1-5).



f. On or about 9 October 2006, you violated a No-Contact Order issued by MSgt \_\_\_\_\_ dated 15 September 2006. You were ordered to have no contact with \_\_\_\_\_, and you failed to obey the same by wrongfully having contact with \_\_\_\_\_ at his home. For your actions, you received punishment under Article 15 of the UCMJ consisting reduction to the grade of Airman, suspended through 29 April 2007, restriction to the limits of LRAFB for 45 days, 15 days extra duty, and a reprimand dated 30 October 2006 (Attachment 1-6).

g. On or about 2 September 2008, you were derelict in the performance of your duties in that you failed to go to your appointed place of duty at the time prescribed, to wit: mandatory physical training formation outside the Airman Leadership School, building 711. On or about 3 September 2008, you failed to go at the time prescribed, to wit: Airman Leadership School, building 711. In addition, on that same day, you made false official statements to SSgt \_\_\_\_\_, MSgt \_\_\_\_\_, and MSgt \_\_\_\_\_. You were in direct violation of Article 107 of the UCMJ. For your misconduct, you received punishment under Article 15 of the UCMJ consisting reduction to the grade of Airman Basic, with reduction below Airman First Class suspended until 14 April 2009, after which time it was to be remitted without further action, unless sooner vacated, 45 days extra duty, with a new date of rank for Airman First Class of 15 October 2008, and a reprimand dated 15 October 2008 (Attachment 1-7).

h. On or about 23 November 2008, you were derelict in the performance of your duties in that you failed to go at the time prescribed to your appointed place of duty, to wit: guard mount at building 480. In addition, you were found drunk while on duty as a security response team member. For your actions, you received vacation of suspended punishment under Article 15 of the UCMJ consisting reduction to the grade of Airman Basic, with a new date of rank of 15 October 2008, effective 12 December 2008 (Attachment 1-8).

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 higher authority will decide whether you will be discharged or retained in the United States Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.

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 the Area Defense Counsel at Little Rock AFB, on 8 January 2009, at 1000 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 by 0830/12 Jan 09 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 in your own behalf, your failure will constitute a waiver of your right to do so.

7. You are scheduled for the following appointments. You must first report to the Military Personnel Flight, Separations Section, located at 1255 Vandenberg Blvd, Room 100 on 7 January 2009 at 1400 hours. You must then report to the Medical Clinic, located at 1090 Arnold Drive at 1000 hours on 7 January 2009 for your examination. You must fast 14 hours prior to the examination and may drink only water during that time. You must not smoke 14 hours prior, nor may you consume alcohol 72 hours prior to your examination. If you wear glasses, bring them with you. If you wear contact lenses, bring a container to store them in during your eye examination.

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 the orderly room.

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

Commander

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum



## DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 19TH AIRLIFT WING (AMC)  
LITTLE ROCK AFB, ARKANSAS 72099

14 JAN 2009

MEMORANDUM FOR 19 AW/CC

FROM: 19 AW/JA

SUBJECT: Legal Review of AFD 36-32 and AFI 36-3208 Discharge Action:

1. I have reviewed the subject discharge action and find it legally sufficient. Major Commander for the 19th Security Forces Squadron, has recommended that AB be involuntarily separated from the United States Air Force with an Under Honorable Conditions (General) Discharge in accordance with AFD 36-32 and AFI 36-3208, paragraph 5.50.2. Major Ford does not recommend probation and rehabilitation (P&R).
2. In reviewing this action, I find that there is a legally sufficient basis to separate AB from the US Air Force with an Under Honorable Conditions (General) Discharge without P&R.
  - a. Basis for discharge: AFI 36-3208, paragraph 5.50.2.
    - (1) On or about 13 January 2006, MSgt informed SSgt that the respondent deprived her suite mate from using the bathroom facilities in building 714, room 207 by keeping her bathroom door locked from the inside. There were numerous attempts made to contact her on this matter with negative results. For her actions, the respondent received Record of Individual Counseling, AF IMT 174 dated 13 January 2006 (Attachment 1-1).
    - (2) On or about 13 March 2006 and on or about 17 March 2006, the respondent missed two appointments at the HAWC. For her actions, the respondent received a Letter of Reprimand (LOR) dated 21 March 2006 (Attachment 1-2).
    - (3) On or about 17 March 2006, the respondent was operating a Security Forces Patrol Car while talking on a cellular phone without using a hands-free device. She was previously briefed by TSgt that operating a vehicle on Little Rock AFB and utilizing a cellular telephone without a hands free device is prohibited. For her actions, the respondent received a Letter of Counseling (LOC) dated 21 March 2006 (Attachment 1-3).
    - (4) On or about 20 September 2006, the respondent made a false official statement to the 314 SFS First Sergeant, MSgt. She told MSgt she overslept and had to cancel her 0800 hrs appointment for 20 September 2006, at the LRAFB medical facility and reschedule for Wednesday, 27 September 2006. MSgt contacted the medical facility and discovered she had made the appointment for 27 September 2006 on the afternoon of 19 September 2006. The respondent was in direct violation of Article 107 of the Uniform Code of Military Justice (UCMJ). For her actions, the respondent received a LOC dated 21 September 2006 (Attachment 1-4).

(5) On or about 17 October 2006, the respondent failed to report to her place of duty at the time prescribed of 0730, to wit: building 480. Further, she failed to fulfill her duties of morning building cleanup. On or about 18 October 2006, the respondent was derelict in the performance of her duties in that she failed to report to the Warfit track at the time prescribed. For her actions, the respondent received a LOR dated 19 October 2006 (Attachment 1-5).

(6) On or about 9 October 2006, the respondent violated a No-Contact Order issued by MSgt dated 15 September 2006. She was ordered to have no contact with \_\_\_\_\_ which she failed to obey by wrongfully having contact with him at his home. For her actions, the respondent received punishment under Article 15 of the UCMJ consisting reduction to the grade of Airman, suspended through 29 April 2007, restriction to the limits of LRAFB for 45 days, 15 days extra duty, and a reprimand dated 30 October 2006 (Attachment 1-6).

(7) On or about 2 September 2008, the respondent was derelict in the performance of her duties in that she failed to go to her appointed place of duty at the time prescribed, to wit: mandatory physical training formation outside the Airman Leadership School, building 711. On or about 3 September 2008, the respondent failed to go at the time prescribed, to wit: Airman Leadership School, building 711. In addition, on that same day, she made false official statements to SSgt \_\_\_\_\_ MSgt \_\_\_\_\_, and MSgt \_\_\_\_\_. She was in direct violation of Article 107 of the UCMJ. For her misconduct, the respondent received punishment under Article 15 of the UCMJ consisting reduction to the grade of Airman Basic, with reduction below Airman First Class suspended until 14 April 2009, after which time it was to be remitted without further action, unless sooner vacated, 45 days extra duty, with a new date of rank for Airman First Class of 15 October 2008, and a reprimand dated 15 October 2008 (Attachment 1-7).

(8) On or about 23 November 2008, the respondent was derelict in the performance of her duties in that she failed to go at the time prescribed to her appointed place of duty, to wit: guard mount at building 480. In addition, the respondent was found drunk while on duty as a security response team member. For her misconduct, her previously suspended punishment under Article 15 of the UCMJ was vacated and she received reduction to the grade of Airman Basic, with a new date of rank of 15 October 2008, effective 12 December 2008 (Attachment 1-8).

b. Should AB \_\_\_\_\_ be discharged? A legal basis for discharge exists and the respondent should be discharged under that provision. In accordance with AFI 36-3208, paragraph 5.50.2, a pattern of misconduct consisting of conduct prejudicial to good order and discipline makes an airman subject to discharge. The infractions under paragraph 5.50.2 may involve failure to comply with nonpunitive regulations or minor offenses under the UCMJ. The respondent received a RIC, dated 13 January 2006; an LOR, dated 21 March 2006; an LOC, dated 21 March 2006; an LOC dated, 21 September 2006; a LOC, dated 19 October 2006; Nonjudicial Punishment, dated 30 October 2006; Nonjudicial Punishment, dated 15 October 2008; a vacation of suspended Nonjudicial Punishment, dated 12 December 2008, and is currently on the control roster. Her consistent misbehavior and failure to maintain military standards are detrimental to good order and discipline within her unit. Thus, the respondent should be discharged. A basis for discharge exists under paragraph 5.50.2, Misconduct: Pattern of Misconduct due to the repeated and varied misconduct.

c. Service characterization: AFI 36-3208, paragraph 1.18.2, states that a General Discharge should be given when the airman's service has been honest and faithful, but significant negative aspects of their conduct or performance of duty outweigh positive aspects of the airman's military record. The respondent consistently failed to report for duty on time, failed to refrain from drinking while on duty, and failed to have integrity by making several false official statements to NCOs and SNCOs. This failure to take her Air Force core values seriously brings discredit upon the Air Force and sets a terrible

example for the other Airmen with whom she interacts. The negative aspects of the respondent's military career outweigh the positive, making a General Discharge characterization appropriate.

d. Probation and Rehabilitation: AFI 36-3208, paragraph 7.3, states P&R may be offered to airmen who have demonstrated a potential to serve satisfactorily, have the capacity to be rehabilitated for continued military service or 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. The unit gave the respondent several chances and administered punishment appropriate to the misconduct the respondent committed. The respondent's continued disregard for military standards, despite many efforts to correct her behavior, demonstrates her poor rehabilitative potential. I do not recommend P&R with this discharge.

e. Errors and Irregularities: I note no errors or irregularities prejudicial to the respondent's substantive or procedural rights.

3. Member's Response: On 9 January 2009, the respondent consulted with military counsel and asks that the 19 AW/CC change her characterization to an Honorable discharge characterization.

4. Options for Separation Authority: As the separation authority in this case, you may:

a. Direct retention, if you determine the evidence does not warrant discharge; or,

b. Forward this case to 18 AF/CC with the recommendation that the respondent receive an Honorable Discharge, with or without P&R; or,

c. Direct the respondent's separation with an Under Honorable Conditions (General) Discharge, with or without P&R; or,

d. Return this case to the unit for re-initiation, with the recommendation that the respondent receive an Under Other Than Honorable Conditions Discharge.

5. I recommend that you direct AB  
Conditions (General) Discharge without P&R.

be separated with an Under Honorable

Chief, Military Justice

I concur.

Staff Judge Advocate