

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">COUNSEL</td> <td style="width: 50%; padding: 2px;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td style="padding: 2px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">No</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;">X</td> </tr> </table> </td> <td style="padding: 2px;"></td> </tr> </table>	COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">No</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;">X</td> </tr> </table>	YES	No		X		ADDRESS AND OR ORGANIZATION OF COUNSEL		
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YES	No										
	X										

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X+
					X+
					X+
					X+
					X+

ISSUES A94.53	INDEX NUMBER A67.90	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="padding: 2px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> <tr><td style="width: 30px; text-align: center; padding: 2px;">1</td><td style="padding: 2px;">ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center; padding: 2px;">2</td><td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center; padding: 2px;">3</td><td style="padding: 2px;">LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center; padding: 2px;">4</td><td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td></tr> <tr><td style="padding: 2px;"></td><td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td style="padding: 2px;"></td><td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td style="padding: 2px;"></td><td style="padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td></tr> </table>	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
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HEARING DATE 21 Jun 2011	CASE NUMBER FD-2009-00703																	

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

+ RE CODE

Case heard in Washington, D.C.

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.

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

INDORSEMENT		DATE: 07/21/2011
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

FD-2009-00703

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

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.

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

FINDING: The Board denies the upgrade of the discharge and change of reenlistment code are denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

Issue 1. Applicant submitted no issues regarding the inequity or impropriety of her discharge. The applicant does submit that she is a single mom of two children, one of whom is disabled, and is unable to get employment due to her reenlistment code. The record indicates the applicant received three Letters of Reprimand, and one Letter of Counseling. Her misconduct included failure to go (2x), failure to arrive on time for duty, disrespectful to a SNCO and with intent to deceive made a false statement regarding an NCO. The Board opined that through these administrative actions, the applicant had ample opportunities to change her behavior. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board reviewed the entire record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge.

Issue 2. 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 December 5, 2005) 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.

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.

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.

Attachment:
Examiner's Brief

**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 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)		<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
b. NAME (Last First Middle Initial)			c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER	
			E-4/ Sra			
e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 <i>(Forward notification of any change in address.)</i>					f. TELEPHONE NUMBER (de)	
					g. E-MAIL	
					h. FAX NUMBER (Include Area Code)	
					N/A	

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) <i>(If date is more than 15 years ago, submit a DD Form 149)</i>	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		5. BOARD ACTION REQUESTED (X one)
	<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 <i>(Not applicable for Air Force)</i>	
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	<input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i>	<input checked="" type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION:	
	<input type="checkbox"/> UNCHARACTERIZED	change SPD code (no misconduct)	
	<input type="checkbox"/> OTHER <i>(Explain)</i>		
6 SFS Macdill AFB Tampa FL			

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

I am a single mother with two children, one of which has a special disability. Due to the SPD (Separation Program Designator) code (misconduct) I received on my DD Form 214 discharge, I am now unable to obtain employment until it is changed. I am working extremely hard to achieve my bachelors degree by 2010. My chapter 33 G.I. bill has not been approved yet, leaving me with no income. "No" income for unemployment claim was denied according to the SPD code on my DD Form 214.

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.)*

1) Wage Transcript and Determination Form for unemployment

9. TYPE OF REVIEW REQUESTED (X one)

☒ 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.

☐ 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.

☐ 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.)

N/A

b. TELEPHONE NUMBER *(Include Area Code)*

N/A

c. E-MAIL

N/A

d. FAX NUMBER *(Include Area Code)*

N/A

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.

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

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. <i>(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.)</i>	CASE NUMBER <i>(Do not write in this space.)</i>
a. SIGNATURE - REQUIRED <i>(Applicant or person in Item 11 above)</i>	b. DATE SIGNED - REQUIRED (YYYYMMDD)
	20091113
FD2009-00703	

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

I am a single mother with two children, one of which has a special disability. Due to the SPD (Separation Program Designator) code (misconduct) I received on my DD Form 214 discharge, I am now unable to obtain employment until it is changed. I am working extremely hard to achieve my bachelors degree by 2010. My chapter 33 G.I. bill has not been approved yet, leaving me with absolutely "NO" income. My unemployment claim was denied according to the SPD code on my DD Form 214.

At this time I respectfully request, that my military discharge conduct code "JKM" be changed or upgraded to appropriately fit my living conditions. Your decision will be greatly appreciated.

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

N/A

15. REMARKS (If applicable)

N/A

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 # FD-2009-00703		COMPONENT: USAF		
TYPE OF DISCHARGE: GENERAL		DISCHARGE FROM: MACDILL AFB, FL		DISCHARGE DATE: 10 AUG 09		APPEALS FOR: UPGRADE DISCHARGE TO HONORABLE & CHANGE RE CODE			
DOB/ ENLMT AGE: 31 JUL 84 21		DISCH AGE: 25		FORMER: SRA	HGH: SRA	B. CURRENT DOR: 13 MAY 08		C. TIME LOST: NONE	
AFSC: 3P051 - SECURITY FORCES JOU RNEYMAN				DEP DT: 21 JUL 05		ASVAB SCORES:			
D. ART 15 / VAC: NONE		D. LOR, LOA, RIC, LOC: LOR: 3 / LOA: 1		E. SCM / SPCM / GCM: NONE		ADDITIONAL: (IE. CIVIL CONV, CDC) NONE			
F. RECORD OF SERVICE (EPR/ OPR, PAST TO PRESENT) :									
29 NOV 05 - 28 JUL 07 - MACDILL AFB 5 (INITIAL)									
29 JUL 07 - 28 JUL 08 - MACDILL AFB 3 (ANNUAL)									
29 JUL 08 - 28 JUL 09 - MACDILL AFB 2 (ANNUAL) REFERRAL									
G. AWARDS & DECS: AFOUA, AFGCM, NDSM, GWOTSM, KDSM, AFOSSTR, AFTR									
EAD: 29 NOV 05		DAS: 07 MAR 07		H. TMS: 4 YRS 0 MOS 21 DAS			TAMS: 3 YRS 8 MOS 12 DAS		
APPLN (DD FORM 293) DTD: 13 NOV 09		DT/ INITIALS: 15MAR11/JLL		NPA/PA: NPA			BOARD REGION:		
RECORDS :	MPR:NO	ARMS: YES	STR: NO	ISSUES: YES	ATTACHMENTS: YES				
AUTH FOR DISCHARGE : AFI 36-3208, PARA 5.50.2 (A PATTERN OF MISCONDUCT - CONDUCT PREJUDICIAL TO GOOD ORDER & DISCIPLINE)									
ART 15; VAC; SCM; SPMC; GCM; ADDITIONAL:									
<p>LOR: 12 DEC 07 - FAILED TO GO TO MANDATORY MEDICAL APPOINTMENT.</p> <p>LOA: 14 MAR 08 - FAILED TO GO TO A PHA APPOINTMENT, M-4 FIRING, & TWO PT SESSIONS.</p> <p>LOR: 21 MAY 08 - FAILED TO ARRIVE ON TIME FOR DUTY.</p> <p>LOR: 06 JUL 09 - DISRESPECTFUL TO A SNCO & WITH INTENT TO DECEIVE MADE A FALSE STATMENT REGARDING A NCO.</p>									
EXAMINER'S NOTE:									
NOTES:									

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

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	E-4/ Sra				
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			g. E-MAIL		
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	<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 checked="" type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION: change SPD code (no misconduct)
6 SFS Macdill AFB Tampa FL	<input type="checkbox"/> UNCHARACTERIZED	
	<input type="checkbox"/> OTHER (Explain)	

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☐ 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.)

a. SIGN

1 in Item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

20091113

CASE NUMBER (Do not write in this space.)

FD2009-00703

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St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

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720 Kennon Street, S.E.
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Washington Navy Yard, DC 20374-5023

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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
6TH AIR MOBILITY WING (AMC)
MACDILL AIR FORCE BASE FLORIDA

MEMORANDUM FOR SRA

JUL 28 2009

FROM: 6 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Pattern of Misconduct: conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 *Military Retirements and Separation* and AFI 36-3208 *Administrative Separation of Airmen*, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

a. On or about 11 Dec 07, you failed to go to a mandatory medical appointment for which you received a Letter of Reprimand (LOR), dated 12 Dec 07. (Tab 4 Atch 1)

b. On or about 1 Feb 08 and on or about 6 Mar 08, you failed to go to your Physical Health Assessment, your M-4 firing and two PT sessions for which you received a Letter of Admonishment (LOA), dated 14 Mar 08. (Tab 4 Atch 2)

c. On or about 15 May 08, you were late to report to your appointed place of duty for which you received a LOR, dated 21 May 08. (Tab 4 Atch 3)

d. On or about 6 Feb 09, you were disrespectful towards your superior noncommissioned officer (NCO) for which you received a LOR, dated 6 Jul 09. In addition, I added the document into an established Unfavorable Information File (UIF), dated 13 Jul 09. (Tab 4 Atch 4)

e. On or about 8 Feb 09, you intended to deceive, by making a false official statement to wit: you accused your superior NCO of poking you in the eye for which you received a LOR, dated 6 Jul 09. I also added the document into an established UIF, dated 13 Jul 09. (Tab 4 Atch 5)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction or a 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 Captain Hangar 4, on**

28 July 2009, at 1300 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 31 Jul 2009 (3 workdays) 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 have been scheduled for a medical examination. **You must report to the Patriot or Liberty Clinic, 8415 Bayshore Blvd on 28 July, at 1440 hours for the 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 6th Air Mobility Wing Legal Office, located in building 299 on Hangar Loop Drive.

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

Commander, 6th Security Forces Squadron

Attachments:

1. LOR, dated 12 Dec 07, (2 pages)
2. LOA, dated 14 Mar 08, (3 pages)
3. LOR, dated 21 May 08, (3 pages)
4. AF IMT 1058, dated 13 Jul 09 (2 pages)
5. LOR, dated 6 Jul 09, (3 pages)
6. LOR, dated 6 Jul 09, (3 pages)
7. AF IMT 1058, dated 13 Jul 09 (2 pages)
8. Incident Report, dated 10 Feb 09, (9 pages)



DEPARTMENT OF THE AIR FORCE
6TH AIR MOBILITY WING (AMC)
MACDILL AIR FORCE BASE, FLORIDA

MEMORANDUM FOR 6 AMW/CC

FROM: 6 AMW/JA

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

1. Lt Col 6 SFS/CC, recommends SrA be involuntarily separated with an Under Honorable Conditions (General) discharge service characterization pursuant to AFPD 36-32 and AFI 36-3208, paragraph 5.50.2, Pattern of Misconduct: Conduct Prejudicial to Good Order and Discipline. The reasons set forth in the Commander's Recommendation Letter, with accompanying documentation, are legally sufficient to support action under this provision of the instruction. SrA will be medically cleared prior to final discharge.

2. FACTS: The events providing the basis for this discharge occurred during SrA current enlistment, a 6-year term which began 29 Nov 05, and are detailed below:

a. On or about 11 Dec 07, SrA failed to go to a mandatory medical appointment for which she received a Letter of Reprimand (LOR), dated 12 Dec 07. (Tab 4 Atch 1)

b. On or about 1 Feb 08 and on or about 6 Mar 08, SrA failed to go to her Physical Health Assessment, M-4 firing and two PT sessions for which she received a Letter of Admonishment (LOA), dated 14 Mar 08. (Tab 4 Atch 2)

c. On or about 15 May 08, SrA was late to report to her appointed place of duty for which she received a LOR, dated 21 May 08. (Tab 4 Atch 3)

d. On or about 6 Feb 09, SrA was disrespectful towards her superior senior noncommissioned officer (SNCO) for which she received a LOR, dated 6 Jul 09. In addition, the commander added the document into an established Unfavorable Information File (UIF), dated 13 Jul 09. (Tab 4 Atch 4)

e. On or about 8 Feb 09, SrA intended to deceive, by making a false official statement to wit: she accused her superior NCO of poking her in the eye for which she received a LOR, dated 6 Jul 09. The commander also added the document into an established UIF, dated 13 Jul 09. (Tab 4 Atch 5)

3. MEMBER'S RESPONSE: SrA has consulted with legal counsel and waived her right to submit a written response.

4. ANALYSIS:

a. Appropriateness of Discharge: Lt Col initiated discharge against SrA based upon her record of misconduct. Despite the unit's efforts to discipline and rehabilitate SrA through letters of reprimand, admonishment and an established (UIF) with several entries, SrA has chosen to continue down her path of misconduct. She received a LOR for failing to go to a mandatory medical appointment, a LOA for failing to go to a Physical Health Assessment, M-4 firing and two PT sessions and another LOR for reporting late to her appointed place of duty. Her repeated offenses are clear evidence that she is unwilling to improve her conduct. SrA received a LOR for slapping the hand of a superior SNCO after he pointed his finger towards her while ordering her to perform her Fitness Assessment. In addition, she made a false official statement about a superior SNCO to wit: she accused him of poking her in the eye with his finger. A pattern of misconduct has clearly been established in SrA service. This misconduct, especially disrespect for authority, is prejudicial to good order and discipline. Conduct prejudicial to good order and discipline is conduct that tends to disrupt order, discipline, or morale within the military community. The record of misconduct stands for itself in this action, and a basis for discharge pursuant to AFI 36-3208, paragraph 5.50.2 exists and is the appropriate course for the commander to take.

b. Characterization of Service: Discharges under this paragraph can be characterized as Honorable, Under Honorable Conditions (General) or Under Other Than Honorable Conditions (UOTHC):

(1) Honorable or Under Honorable Conditions (General): According to AFI 36-3208, paragraph 5.48.4, when a discharge action under paragraph 5.50.2 is initiated, an honorable discharge is only warranted when the member's service is so meritorious that any other characterization would be "clearly inappropriate". A general discharge is given when the airman's service has been honest and faithful, but significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record. The foregoing case file supports the commander's recommendation to characterize SrA service as Under Honorable Conditions (General).

SrA record contains sufficient disciplinary infractions to outweigh the positive aspects of her short service. There is no indication in her military record that her duty performance has been so exemplary that it would be "clearly inappropriate" to give her a general discharge. As a result, the commander's recommendation of an Under Honorable Conditions (General) discharge is supported and is appropriate in this case.

(2) UOTHC: AFI 36-3208, paragraph 1.18.3, states that an Under Other Than Honorable Conditions discharge should be given when basing the reason for separation on a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of airmen.

Some examples of such behavior, acts, or omissions listed in the AFI include, but are not limited to: the use of force or violence to produce serious bodily injury or death, abuse of a special position of trust, acts or omissions that endanger the security of the United States, and acts that endanger the health and welfare of other Air Force members. While SrA acts are certainly a clear departure from the conduct expected of airman, her acts are not as grievous as the examples of conduct that typically merit a UOTHC discharge characterization.

c. Probation and Rehabilitation (P&R). According to AFI 36-3208, Chapter 7, 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 commander effectively makes the case that the respondent has been given numerous opportunities to correct her behavior and comply with military standards. She has received four LORs, one LOA, and several entries in an established UIF during a 19 month period from Dec 07 – Jul 09. In spite of all the correction and opportunities her squadron has given her, SrA has repeatedly and consciously failed to correct her behavior. The commander's recommendation that P&R not be offered is appropriate.

5. ERRORS AND IRREGULARITIES: None. All procedures required by AFI 36-3208 have been properly complied with and the case has been appropriately processed.

6. CONVENING AUTHORITY OPTIONS: As the Special Court-Martial Convening Authority, you may take one of the following actions in this case:

- a. Retain Respondent in the Air Force.
- b. Direct that Respondent be discharged and furnished an Under Honorable Conditions (General) discharge with or without P&R.
- c. Forward the package to 18 AF/CC with a recommendation that Respondent be discharged from the Air Force with an Under Other Than Honorable Conditions discharge (UOTHC).
- d. Forward the package to 18 AF/CC with a recommendation that Respondent be discharged from the Air Force with an Honorable discharge.

7. **Conclusion:** I recommend you direct SrA be separated with an Under Honorable Conditions (General) service characterization without P&R. A letter for your signature to implement this recommendation is attached should you concur.

Capt, USAF

CAROL, FRAYCISE FLORENCE

I concur.

Attachment:
Discharge Package