

GEN	PERSONAL APPEARANCE	X RECORD REVIEW
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A67.01, A71.10, A47.01	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 01-03-22	CASE NUMBER FD01-00059	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	

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

REMARKS
 Case heard at 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.

SIGNATURE OF RECORDER: [REDACTED]

SIGNATURE OF BOARD PRESIDENT: [REDACTED]

ENDORSEMENT

DATE: 01-03-22

TO: SAF/MRR
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 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-01-00059

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

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

FINDINGS: Upgrade of discharge is 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.

Issues. Applicant was discharged for misconduct, minor disciplinary infractions. He had three Letters of Reprimand, two Letters of Counseling, one Record of Individual Counseling, and an Article 15. He also had an Unfavorable Information File and referral "2" Enlisted Performance Report. His misconduct included two leave policy infractions, sleeping on duty, a failed scheduled dorm inspection, a Career Development Course failure, and writing several non-sufficient fund checks totaling \$780.00. At the time of the discharge, applicant waived his right to submit statements in his own behalf. The Board further noted the leave infractions and the NSF checks were repeat offenses for which the member had been counseled, but failed to adhere to standards. Furthermore, the applicant was age 19 and 20 when his misconduct occurred, which is essentially the same age as most first term airmen who do not engage in misconduct; and there is no evidence of record he did not know right from wrong. He was given numerous opportunities to improve and was either unwilling or unable to do so. No inequity or impropriety was found in his discharge in the course of the records review.

CONCLUSIONS: 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 that 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, thus the applicant's discharge should not be changed.

Attachment:
Examiner's Brief

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

(Former AMN) MISSING DOCUMENTS

1. MATTER UNDER REVIEW Appl rec'd a GEN Disch fr USAF 94/10/27 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 74/05/28. Enlmt Age: 17 9/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-63, E-54, G-62, M-25. PAFSC: 1C531C - Aerospace Control & Warning Systems Apprentice. DAS: 92/12/04.

b. Prior Sv: AFRes 92/03/20 - 92/09/04 (5 months 25 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enld as AB 92/09/15 for 6 yrs. Svd: 2 Yrs 1 Mo 13 Das, all AMS.

b. Grade Status: AMN - 94/09/13 (Article 15, 94/09/14)
A1C - 92/10/29

c. Time Lost: none.

d. Art 15's: (1) 94/09/14, March AFB, CA - Article 92. You, who knew of your duties, o/a 05 Aug 94, were derelict in the performance of those duties in that you willfully failed to provide your supervisor with an itinerary of your travel prior to your leave being approved, as it was your duty to do. Rdn to Amn. (Appeal/Denied)
(No mitigation)

e. Additional: LOR, 14 SEP 94 - Bad checks.
LOR, 22 APR 94 - Bad checks.
LOR, 24 MAR 94 - Dereliction of duty.
LOC, 19 MAR 94 - Sleeping on post.
LOC, 17 MAR 94 - Failed dormitory inspection.

f. CM: none.

g. Record of SV: 92/09/15 94/05/14 March AFB 3 (Initial)
(Discharged from March AFB)

h. Awards & Decs: NDSM AFTR.

i. Stmt of Sv: TMS: (2 Yrs (7) Mos (8) Das
TAMS: (2 Yrs (1) Mos (13) Das

FD01-00059

4. **BASIS ADVANCED FOR REVIEW:** Appin (DD Fm 293) dtd 01/01/04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
none.

01/02/26/ia

19 OCT 1994

MEMORANDUM FOR 722 ARW/ C

FROM: 722 ARW/JA

SUBJECT: **Legal Review of Administrative Discharge** - Amn [REDACTED]
[REDACTED] SWADS

1. ACTION: This case is before you in your capacity as discharge authority for review and action. The SWADS/CCQ recommends the respondent be separated from the United States Air Force with a general discharge without probation and rehabilitation pursuant to AFR 39-10, Section H, paragraph 5-46 for minor disciplinary infractions. I concur.

2. FACTS FOR THE GOVERNMENT:

a. On or about 5 Aug 94, [REDACTED] was derelict in the performance of his duties in that he willfully failed to provide his supervisor with an itinerary of his travel prior to his leave being approved, as it was his duty to do. As a result, he received an Article 15 on 13 Sep 94 and he was reduced to the grade of Airman with a new date of rank of 13 Sep 94.

b. On or about 18 and 29 July 94, [REDACTED] wrote checks to the March Base Exchange with insufficient funds in the total amount of \$180.00. As a result, he received a Letter of Reprimand on 14 Sep 94 and his check cashing privileges were revoked.

c. Between 10 Mar 94 and 22 Apr 94, [REDACTED] wrote multiple checks with insufficient funds in excess of \$600.00. As a result, he received a Letter of Reprimand on 22 Apr 94.

d. On or about 8 Mar 94, [REDACTED] was derelict in his duty to either change the return date of his leave or extend his leave before departing; he did neither. As a result, he received a Letter of Reprimand on 24 Mar 94.

e. On or about 19 Mar 94, [REDACTED] slept on post. As a result, he received a Letter of Counseling on the same day.

f. On or about 17 Mar 94, [REDACTED] failed his dormitory inspection. As a result, he received a Letter of Counseling on the same day.

3. FACTS FOR THE RESPONDENT:

a. The respondent is 20 years old, and has served approximately 2 years of a current 6 year enlistment. AQE scores are: A-63; E-54; 6-62; and M-25. The APR/EPR history is as follows:

3 14 MAY 94

b. The respondent is entitled to wear the Air Force Training Ribbon and the National Defense Service Medal.

c. The respondent has met with military counsel and has elected not to submit statements regarding this discharge action.

4. ERRORS AND IRREGULARITIES: None.

5. DISCUSSION:

a. Legal Sufficiency: AFR 39-10, paragraph 5-46, authorizes the involuntary separation of airmen who engage in minor disciplinary infractions. Before this discharge I reviewed [redacted] military record, as well as the documents relating to the offenses which form the basis for this discharge. Within the last 7 months [redacted] has received an Article 15, three Letters of Reprimand, three Letters of Counseling and had a Memo for Record prepared, all for minor disciplinary infractions. [redacted] actions make him unsuited for continued service in the Air Force. This repeated misconduct satisfies the requirements of the regulation and justifies discharge.

b. Character of Discharge: The respondent's commander has recommended a general discharge. I concur. Characterization of service as general is appropriate when significant negative aspects of an airman's conduct outweigh positive aspects of his or her military record.

c. Probation and Rehabilitation: I concur with SWADS/CC that probation and rehabilitation is not appropriate for this airman. [redacted] has been given numerous opportunities to rehabilitate himself. There is no indication that further rehabilitative efforts would be successful.

6. RECOMMENDATION: As the discharge authority you have the following options:

- a. Retain the respondent: or
- b. Separate the respondent with a general discharge, with or without probation and rehabilitation; or
- c. Recommend to 15 AF/CC that the respondent be discharged with an honorable discharge, with or without probation and rehabilitation; or
- d. Refer the case to an administrative discharge board.

Based on the foregoing, I recommend you separate the respondent from the United States Air Force with a general discharge without probation and rehabilitation.

[redacted signature]

Deputy Staff Judge Advocate

I concur/nonconcur.

[redacted signature]

Staff Judge Advocate

05 OCT 1994

MEMORANDUM FOR [REDACTED]

FROM: SWADS/GCQ

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, Section H, paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 5 Aug 94, you were derelict in the performance of your duties in that you willfully failed to provide your supervisor with an itinerary of your travel prior to your leave being approved, as it was your duty to do. As a result, you received a Article 15 on 13 Sep 94 and you were reduced to the grade of Airman with a new date of rank of 13 Sep 94.

b. On or about 18 and 29 July 94, you wrote checks to the March Base Exchange with insufficient funds in the total amount of \$180.00. As a result of your continued financial irresponsibility, you received a Letter of Reprimand on 14 Sep 94 and your check cashing privileges were revoked.

c. Between 10 Mar 94 and 22 Apr 94, you wrote multiple checks with insufficient funds in excess of \$600.00. As a result, you received a Letter of Reprimand on 22 Apr 94.

d. On or about 8 Mar 94, you were derelict in your duty to either change the return date of your leave or extend your leave before departing; you did neither. As a result, you received a Letter of Reprimand on 24 Mar 94.

e. On or about 19 Mar 94, you slept on post. As a result, you received a Letter of Counseling on the same day.

f. On or about 17 Mar 94, you failed your dormitory inspection. As a result, you received a Letter of Counseling on the same day.

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 a higher authority will decide whether you will be discharged or retained in the Air Force, and if discharged how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.
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 March Air Force Base, California, 3870 on 5 OCT 94 at 1400. 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 11 OCT 94 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 722 MDG, Physical Exams Section at 0730 on 6 OCT 94 for the examination.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR **39-10**, attachment 6. A copy of AFR **39-10** is available for your **use** in your unit orderly room.
9. Execute the attached acknowledgment and return it to **me** immediately.



Squadron Section Commander

6 Attachments

1. Article 15, 13 Sep 94
2. LOR, 14 Sep 94
3. LOR, 22 Apr 94
4. LOR, 22 Mar 94
5. LOC, 19 Mar 94
6. LOC, 17 Mar 94