

<b>GEN</b>		<b>PERSONAL APPEARANCE</b>		<b>X RECORD REVIEW</b>	
<b>COUNSEL</b>		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
<b>YES</b>	<b>NO</b>				
	<b>X</b>				
<b>MEMBERS SITTING</b>				<b>VOTE OF THE BOARD</b>	
				<b>HON</b>	<b>GEN</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
A92.21, A75.30, A67.01		A67.10		<b>1</b>	ORDER APPOINTING THE BOARD
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE
				<b>3</b>	LETTER OF NOTIFICATION
<b>HEARING DATE</b>		<b>CASE NUMBER</b>		<b>4</b>	BRIEF OF PERSONNEL FILE
01-03-23		FD01-00060			COUNSEL'S RELEASE TO THE BOARD
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE HEARING
<b>APPLICANT AND THE BOARD'S PERSONAL APPEARANCE DISCUSSED IN THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>					
<b>REMARKS</b>					
Case heard at Washington, D.C.					
Advise applicant of the decision of the Board, the <b>right</b> to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR					
<b>SIGNATURE OF RECORDER</b>			<b>SIGNATURE OF BOARD PRESIDENT</b>		
[REDACTED]			[REDACTED]		
<b>INDOUMENT</b>			<b>DATE</b>		
			01-03-23		
<b>TO:</b>			<b>FROM:</b>		
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002		

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-01-00060

**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 that neither the evidence of record or that provided by the applicant substantiates an inequity or impropriety that would justify a change of the discharge.

Issues. Applicant was discharged for misconduct, minor disciplinary infractions. He was a security apprentice who had two Articles 15 about a year apart, both for sleeping on post. In member's reply to the discharge action he requested retention. The Board noted that while member otherwise had a satisfactory service record with no other documented misconduct or disciplinary infractions, sleeping on post is a very serious offense for a security force responder. The documented infractions support the characterization of service he received. No inequity or impropriety was found in his discharge in the course of the records review.

Applicant also cited his post-service accomplishments. The Board commends applicant on his success since leaving the military, however this evidence is not relevant to the period of service under review, and does not provide a basis for upgrade.

If the applicant can provide additional documented evidence to substantiate an inequity or impropriety, the applicant should consider exercising his right to make a personal appearance before the board. If he chooses to exercise this right, he should be prepared to provide the Board with evidence of the inequity or impropriety, as well as any exemplary post-service accomplishments and contributions to the community.

**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 A1C) MISSING DOCUMENTS

**1. MATTER UNDER REVIEW** Appl rec'd a GEN Disch fr USAF 97/04/04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

**2. BACKGROUND:**

a. DOB: 75/08/18. Enlmt Age: 19 3/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-95, E-61, G-68, M-34. PAFSC: 3P031 - Security Apprentice. DAS: 95/06/24.

b. Prior Sv: AFRes 94/11/21 - 95/01/25 (2 months 5 days) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enld as AB 95/01/26 for 4 yrs. Svd: 2 Yrs 2 Mo 9 Das, all AMS.

b. Grade Status: A1C - 96/08/29  
AMN - (EPR Indicates): 95/01/26-96/09/25

c. Time Lost: none.

d. Art 15's: (1) 97/02/25, Vandenberg AFB, CA - Article 92. You, who knew of your duties, o/a 14 Jan 97, were derelict in the performance of those duties in that you willfully failed to stay awake, as it was your duty to do. Rdn to Amn (susp till 24 Aug 97), forfeiture of \$100.00 pay per month for 2 months, and 14 days extra duty. (No appeal) (No mitigation)

(2) 96/02/29, Vandenberg AFB, CA - Article 113. Preliminary investigation has disclosed that you were, o/a 14 Feb 96, at Phantom 2, Bldg 1559, posted as a sentinel, found sleeping. Rdn to AB (susp till 28 Aug 96), and forfeiture of \$50.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: none.

f. CM: none.

g. Record of SV: 95/01/26 96/09/25 Vandenberg AFB 3 (Initial)  
(Discharged from Vandenberg AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (14) Das  
TAMS: (2) Yrs (2) Mos (9) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/01/20. \_\_\_\_\_  
(Change Discharge to Honorable)

Issue 1: I feel that my discharge was inappropriate. I have since been hired by the ----- Police Dept. and will be graduating from the Police Academy on 16 Feb 01. My discharge was almost four years ago and I feel that is enough time elapsed to be considered for an upgrade in my discharge.

Issue 2: I realize that what I did while in the Air Force was wrong, but I have learned a valuable lesson and I am trying to move on with my life. I appreciate your consideration on this request.

ATCH  
none.

01/02/27/ia



DEPARTMENT OF THE AIR FORCE

30th SPACEWING (AFSPC)



MEMORANDUM FOR 30 SW/CC

23 MAR 1997

FROM: 30 SW/JA

SUBJECT: Legal Review - AFI 36-3208 Administrative Discharge Action

1. The proposed administrative discharge action against [redacted] has been reviewed and found to be legally sufficient.

2. BASIS FOR ACTION: AFSPD 36-32 and AFI 36-3208, Paragraph 5.49, minor disciplinary infractions. [redacted] was notified of this action by his commander on 7 Mar 97. The commander recommends that [redacted] current term of service be characterized as general in accordance with AFI 36-3208, Paragraph 1 18. The commander further recommends that A1C [redacted] not be offered probation and rehabilitation in accordance with AFI 36-3208, Chapter 7. [redacted] as consulted counsel and has submitted statements on his own behalf

3. FACTS: [redacted] entered the Air Force on 26 Jan 95. He was assigned to 30 SPS on 24 Jun 95, filling a position as a Response Force Member. On 14 Feb 96, he was found sleeping on post. For this, he received Article 15 punishment on 17 Feb 96, consisting of a suspended reduction to Airman Basic; and forfeiture of \$50 pay per month for 2 months. A Unfavorable Information File was also established. On or about 14 Jan 97, he was found sleeping on post again. For this, he received Article 15 punishment on 24 Jan 97 for dereliction of duty, consisting of a suspended reduction to the grade of airman, forfeiture of \$100 pay per month for 2 months, and 14 days extra duty.

4. OTHER DEROGATORY DATA: None.

5. DISCUSSION:

a. This discharge action has been processed in strict compliance with AFI 36-3208, and the evidence is legally sufficient to support discharge based on a pattern of misconduct. All of the incidents listed in the facts section above occurred in [redacted] current enlistment and may be used by you as a basis for discharge.

b. [redacted] has submitted matters for your consideration. You must consider these documents before making a final decision. He provides you with some background information and expresses his desire for another chance to finish out his last 18 months in the military. The matters [redacted] submitted are at Attachment 3.

c. The decision to discharge should be made after careful consideration of **all the facts** that make the member subject to discharge under AFI 36-3208, Paragraph 6.1.1. [REDACTED] was given two Article 15s for the same offense-sleeping on post. This kind of misconduct is unacceptable especially in the security police field. After receiving an Article 15 for **the first** incident, he did not get the message as to the seriousness of this offense. This kind of carelessness is inconsistent with continued military service. He **asks** for another chance - but he was given that chance after the first Article 15. Discharge action, without an offer of probation and rehabilitation, is warranted in this case.

d. Indetermining [REDACTED]'s characterization of service, the quality of service according to standards of acceptable conduct and personal performance of duty should be considered. AFI 36-3208, paragraph 1.18, defines the standards for discharge characterization:

1) Honorable: "The quality of the airman's service generally has met Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise **so** meritorious that any other characterization would be inappropriate." (Paragraph 5.48.4 adds that a discharge for misconduct will be characterized as honorable only when any other characterization would be *clearly* inappropriate.)

2) General: "If an airman's service has been honest and faithful, this characterization is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record."

**Characterizing** [REDACTED] current term of service as general under honorable conditions is **appropriate because his record does** contain two significant negative aspects.

6. OPTIONS: **As** the Special Court-Martial Convening Authority, you may:

a. Direct retention based on your determination that the evidence is insufficient to support discharge;

b. Return the discharge file with direction that the action be brought under a more appropriate paragraph of **AFI 36-3208**;

c. Direct discharge with an general characterization of service, with or without an offer of probation and rehabilitation;

d. Direct that the discharge be re-initiated under the board hearing for a discharge under other than honorable conditions.

7. **RECOMMENDATION:** That you direct discharge of [REDACTED] with a general characterization of service without an offer of probation and rehabilitation by signing the proposed letter at Tab 1.

[REDACTED]

Deputy Staff Judge Advocate

**Attachment:**  
**Case File**



## DEPARTMENT OF THE AIR FORCE

ACE WING (AFSPC)

U.S. AIR FORCE



MAR 7 1997

MEMORANDUM FOR [REDACTED]

FROM: 30 SPS/CC

SUBJECT: Notification of Administrative Discharge Action Under **AFI 36-3208**

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for my recommendation is **AFPD 36-32** and **AFI 36-3208**, Paragraph **5.49**. If my recommendation is approved, your discharge may be characterized as honorable, general under honorable conditions, or under other than honorable conditions. I am recommending that your discharge be characterized as general.

2. My reasons for this action are as follows:

a. On 17 Feb 96, you were served with an Article **15** action for dereliction of duty because you were found sleeping on post, an offense which took place on or about 14 February 96. You were given a suspended reduction to the grade of airman basic, suspended until 28 Aug 96, and a forfeiture of \$50 pay per month for 2 months. A Unfavorable Information File was established.

b. On 24 Jan 97, you were served with a second Article **15** action for the same offense, dereliction of duty because you were found sleeping on post. **This** occurred on or about 14 Jan 97. You were given a suspended reduction to the grade of airman, suspended 24 Aug 97, forfeiture of \$100 per pay month for 2 months and 14 days extra duty.

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 Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force. Furthermore, any special pay, bonuses, or education assistance you have received 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 [REDACTED] at the Area Defense Counsel, Building 8500, ext. 6-3627/28, at 0800 hours on 10 Mar 97. You may consult civilian counsel at your **own** expense.



5. You have the right to submit matters on your own behalf. Any matters you wish to submit for consideration by the separation authority must reach me within 3 duty days unless you request and receive an extension from me for good cause shown. I will forward any matters submitted by you to the separation authority.

6. If you fail to consult counsel or to submit matters in your own behalf within 3 duty-days without an approved extension, your failure will constitute a waiver of your right to do so.

7. Any personal information you furnish in rebuttal to this action is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use at the office of the Area Defense Counsel, Building 8500.

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



Attachments:

1. Article 15, 16 Feb 96
2. Article 15, 24 Jan 97