

TYPE		PERSONAL APPEARANCE		X RECORD REVIEW		
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	X					
MEMBERS SITTING		BON	GEN	UOTHC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES		INDEX NUMBER		1 ORDER APPOINTING THE BOARD		
AO100, A95.00		A67.10		2 APPLICATION FOR REVIEW OF DISCHARGE		
HEARING DATE		CASE NUMBER		3 LETTER OF NOTIFICATION		
01 04 13		FD01-00066		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		
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			SIGNATURE OF BOARD PRESIDENT			
[REDACTED]			[REDACTED]			
TO:			FROM:			
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			

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable.

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

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

**FINDINGS:** Upgrade of discharge is denied.

The DRB finds that the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none. The records indicated the applicant received two Article 15s and a Letter of Reprimand for misconduct. The misconduct included failing to go at the time prescribed to his appointed place of duty on divers occasions. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

**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 AB) MISSING DOCUMENTS

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 99/10/06 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

**2. BACKGROUND:**

a. DOB: 79/09/11. Enlmt Age: 18 8/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-82, E-74, G-66, M-57. PAFSC: 3C231 - Communications Computer Systems Controller. DAS: 98/02/25.

b. Prior Sv: AFRes 98/06/02 - 98/08/18 (2 months 17 days) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enld as AMN 98/08/19 for 4 yrs. Svd: 1 Yrs 1 Mo 18 Das, all AMS.

b. Grade Status: AB - 99/09/17 (Article 15, 99/09/17)  
A1C - 99/06/19

c. Time Lost: . none.

d. Art 15's: (1) 99/09/17, Schriever AFB, CO - Article 86. You did, o/a 27 Aug 99, w/o authority, fail to go at the time prescribed to your appointed place of duty. You did, on divers occasions between o/a 26 Aug 99 and o/a 8 Sep 99, w/o authority, fail to go at the time prescribed to your appointed place of duty. You did, o/a 9 Sep 99, w/o authority, fail to go at the time prescribed to your appointed place of duty. Rdn to AB. (No appeal) (No mitigation)

(2) 99/04/15, Peterson AFB, CO - Article 92. You, who knew of your duties, o/a 7 Apr 99, were derelict in the performance of those duties in that you negligently failed to attend the First Term Airmen's Course, as it was your duty to do. Fourteen days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 29 MAR 99 - Failure to go (Document missing from file).

f. CM: none.

g. Record of SV: none.

(Discharged from Schriever AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (4) Mos (5) Das  
TAMS: (1) Yrs (1) Mos (18) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01/02/01.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. DD Form 149.

01/03/06/ia

FD01-00066



## DEPARTMENT OF THE AIR FORCE

50TH SPACE WING (AFSPC)



29 Sep 99

MEMORANDUM FOR 50 [REDACTED]

FROM: 50 SW/JA

608 Navstar Street Ste 18  
Schriever AFB CO 80912-3018SUBJECT: Legal review of AFI 36-3208, Discharge of AB [REDACTED]  
50 CS FSPC)

1. I have reviewed the administrative discharge action pertaining to AB Jo [REDACTED] (respondent), 4 [REDACTED] for legal sufficiency. There has been substantial compliance with the applicable substantive and procedural provisions of AFI 36-3208. This action was initiated on 21 September 1999 to administratively separate respondent from the United States Air Force pursuant to AFI 36-3208, chapter 5, section H, paragraph 5.49, for misconduct (minor disciplinary infractions). The statutory basis for this action is 10 U.S.C. § 1169 and a legal review is required by AFI 36-3208, paragraph 6.12.1

2. The recommendation for discharge is based upon the information contained in paragraph 2, of the notification memorandum. The notification memorandum alleges that, A [REDACTED] to go to his appointed place of duty on divers occasions. [REDACTED] has been formally reprimanded and punished under Article 15 twice. Under the first Article 15 he was reprimanded and assigned extra duty. Under the second Article 15 he was reduced from E-3 to E-1.

3. The respondent is 20 years old and enlisted on 19 Aug 98 for a term of 4 years. He has a total of 1 year and 1 month active service. After consulting with the Area Defense Counsel, the respondent has waived his rights to submit statements for you to consider.

4. Errors and Irregularities: There are no errors or irregularities that prejudice respondent or deprive him of any substantial rights.

5. As Discharge Authority, you are empowered to:

a. Approve the discharge and issue a general discharge certificate;

b. Approve a general discharge, but suspend its execution for a period of up to one year for probation and rehabilitation;

FD01-00066

c. Recommend an honorable discharge **and** forward the case file to 14 AF/CC for disposition, or

d. Order respondent be retained in the Air Force.

6. I recommend you direct that respondent be separated from the United States **Air** Force with a general **discharge** without probation and rehabilitation and that paragraph 5.49 be cited as the basis for this action. A general discharge **is** appropriate when significant negative aspects of the member's conduct outweigh positive aspects of **his** military record. **AFI** 36-3208, paragraph 1.18.2. Probation and rehabilitation is inappropriate because of respondent's continued and repeated improper conduct despite attempts at correction. Moreover, in response to his most recent **Article** 15, respondent stated he **has** no desire to remain in the Air Force. Separation of respondent can be accomplished **as soon as** the file includes the medical evaluation indicating that the respondent is medically qualified **to be** involuntarily discharged.

7. Please contact **my** POC, Capt ██████████ at 567-7016, if you have any questions or need **additional information.**

██████████  
██████████  
Staff Judge Advocate

FD01-00066



## DEPARTMENT OF THE AIR FORCE

50TH SPACE WING (AFSPC)



21 Sep 99

MEMORANDUM FOR B [REDACTED] CS FSPC

FROM: 50 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct (minor disciplinary infractions). The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. 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 reason for this action is

a. On or about 29 Mar 99, you received a Letter of Reprimand for failing to report for duty on divers occasions over a 2 week period. (atch 1a)

b. On or about 7 Apr 99, you failed to attend the First Term Airmen's Course as it was your duty to do. For this misconduct you received an Article 15 dated 15 Apr 99, (atch 1b).

c. Between on or about 27 Aug 99 and 9 Sep 99, you failed to go at the time prescribed to your appointed place of duty on divers occasions. For these offenses you received an Article 15, dated 17 Sep 99, with reduction in rank to AB.

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 and, if 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 Peterson AFB, Colorado on **22 September 1999** at 0930 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 within 3 workdays from the date you receive this memorandum of notification 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 Peterson AFB Clinic at **1300 hours on 22 September 1999** 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 in your unit **orderly** room.



Attachments:

1. Supporting Documents:
  - a. Letter of Reprimand, 29 Mar 99
  - b. Article 15, 15 Apr 99
  - c. Article 15, 17 Sep 99
2. Acknowledgment