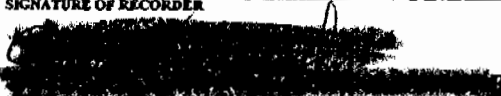
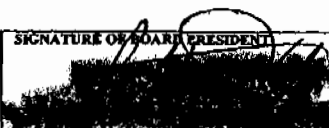


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NAME OF COUNSEL AND OR ORGANIZATION																																	
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ISSUES <b>A01.00, A95.00</b>	INDEX NUMBER <b>A67.90</b>	1 ORDER APPOINTING THE BOARD 2 APPLICATION FOR REVIEW OF DISCHARGE 3 LETTER 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>01 04 19</b>	CASE NUMBER <b>FD01-00069</b>																																
<b>REMARKS</b> 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 																															
TO: SAF/MIBR 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, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002																															

AFHQ FORM 0-2077, JAN 00

(EF-V2)

Previous edition will be used.

**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** for misconduct. The misconduct failing to go to his appointed place of duty at the time prescribed, and absenting himself from his place of duty for three days. The DRB 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

[REDACTED]  
(Former AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/08/03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 80/10/30. Enlmt Age: 18 9/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-65, E-67, G-42, M-78. PAFSC: 2A733 - Aircraft Structural Maintenance Specialist. DAS: 00/02/21.

b. Prior Sv: AFRes 99/07/30 - 99/08/24 (25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 99/08/25 for 6 yrs. Svd: 0 Yrs 11 Mo 9 Das, of which AMS is 0 Yrs 11 Mos 6 Days (excludes 3 days lost time).

b. Grade Status: AB - 00/07/17 (Article 15, 00/07/17)  
AMN - 00/06/30 (Article 15, 00/06/30)  
A1C - Unknown.

c. Time Lost: 00/06/19-00/06/21 (3 days).

d. Art 15's: (1) 00/07/17, Shaw AFB, SC - Article 86. You did, o/a 10 Jul 00, w/o authority, fail to go at the time prescribed to your appointed place of duty. Rdn to AB.  
(No appeal) (No mitigation)

(2) 00/06/30, Shaw AFB, SC - Article 86. You did, o/a 19 Jun 00, w/o authority, absent yourself from your place of duty at which you were required to be, and remain so absent until you turned yourself in o/a 22 Jun 00. Rdn to Amn, and 30 days restriction. (No appeal)  
(No mitigation)

e. Additional: none.

f. CM: none.

g. Record of SV: none.  
(Discharged from Shaw AFB)

h. Awards & Decs: AFTR.

FD01-00069

i. Stmt of Sv: TMS: (1) Yrs (0) Mos (1) Das  
TAMS: (0) Yrs (11) Mos (6) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01/02/22.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH  
none.

01/03/07/ia



FD01-00069

**DEPARTMENT OF THE AIR FORCE**  
**20th FIGHTER WING (ACC)**  
**SHAW AIR FORCE BASE, SOUTH CAROLINA**

MEMORANDUM FOR 20 FW/CC

FROM: 20 FW/JA  
504 Shaw Drive  
Shaw AFB SC 29152-5029

SUBJECT: Legal Review of AFI 36-3208 Action - AB [REDACTED]

1. Basis for Action: The Commander, 20<sup>th</sup> Equipment Maintenance Squadron, has recommended that AB [REDACTED] be separated from the service with a general discharge for a pattern of misconduct – conduct prejudicial to the maintenance of good order and discipline, pursuant to AFD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.50.2. The Respondent is being processed according to the notification procedure.

2. Facts: The file reflects that the Respondent has been involved in the following incidents of misconduct:

a. On or about 19 Jun 00, the Respondent absented himself from his appointed place of duty and remained absent until 22 Jun 00. For this misconduct, he received an Article 15 nonjudicial punishment action, dated 30 Jun 00. Punishment consisted of reduction to the grade of airman and 30 days restriction to Shaw AFB, SC.

b. On or about 10 Jul 00, the Respondent failed to go to his appointed place of duty at the prescribed time. For this misconduct, he received an Article 15 nonjudicial punishment action, dated 17 Jul 00. Punishment consisted of reduction to the grade of airman basic.

3. Respondent's Submission: The Respondent consulted with military counsel and elected not to submit a written statement for your consideration. The waiver is attached at Tab 4.

4. Errors and Irregularities: This file contains no errors or irregularities.

5. Conclusions and Recommendations:

a. Subject to inclusion of the report of physical examination, this file is legally sufficient to support a discharge, pursuant to AFD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.50.2. In his short Air Force career, the Respondent has continuously failed to meet the standards of conduct required of all airmen. This pattern of misconduct over a short period of time is the basis for discharge.

b. The Respondent could receive either an honorable or a general discharge. The unit commander recommends that the Respondent receive a general discharge. I concur with this recommendation. A general service characterization is appropriate when the negative aspects of a member's service outweigh the positive. In this case, the Respondent's refusal to comply with Air Force standards has resulted in two Article 15 nonjudicial punishment actions. Additionally, both Article 15 nonjudicial punishment actions were a result of the Respondent's failure to go. As indicated in the Squadron Commander's recommendation, AB [REDACTED] has indicated a willingness to continue to engage in misconduct until he is discharged. Nothing in his records support retaining him given that attitude. His actions and attitude have disrupted good order and discipline within the unit. The negative aspects of the Respondent's

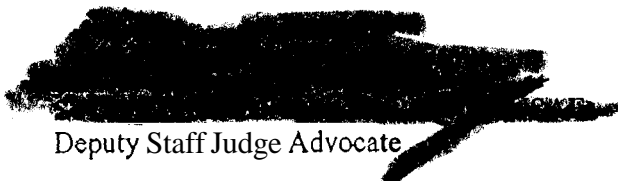
overall service clearly outweigh the positive aspects of his record. Thus, he should be separated with a general service characterization.

c. The commander does not recommend Probation and Rehabilitation (P&R). I concur. Pursuant to AFI 36-3208, paragraph 7.3, P&R may be offered where there seems to be a reasonable expectation of rehabilitation. P&R may be offered to those airmen who have demonstrated a potential to serve satisfactorily, who have the capacity to be rehabilitated for continued service, or whose retention is consistent with the Air Force's interest of maintaining good order and discipline. The Respondent has failed to demonstrate that he has the capacity or the will to serve satisfactorily. He is not a good candidate for P & R.

d. As the Special Court-Martial Convening Authority in this case, you have the following options:

- (1) Retain the Respondent in the Air Force;
- (2) Direct the Respondent be discharged with a general discharge, with or without P&R;
- (3) Recommend the Respondent be separated with an honorable discharge, with or without P&R, and forward this case to the General Court-Martial Convening Authority (9 AF/CC) for his action; or,
- (4) Direct this case be reinitiated pursuant to the board hearing procedures of AFI 36-3208, chapter 6, section C, if you feel a discharge under other than honorable conditions is warranted.

6. Recommendations: I recommend you separate the Respondent with a general discharge, without P&R.



Deputy Staff Judge Advocate

Attachment:  
Case File



DEPARTMENT OF THE AIR FORCE  
20th FIGHTER WING (ACC)  
SHAW AIR FORCE BASE, SOUTH CAROLINA

FD01-00067

TO: AF 1 FOR [REDACTED]

FROM: 20 EMS/CC  
612 Lance Ave.  
Shaw AFB, SC 29152

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct – conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as either honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 19 Jun 00, without authority, you absented yourself from your place of duty and remained absent until 22 Jun 00. For this misconduct, you received an Article 15 nonjudicial punishment action, dated 30 Jun 00. Punishment consisted of reduction to the grade of airman and 30 days restriction to Shaw AFB, SC.

b. On 10 Jul 00, without authority, you failed to go to your appointed place of duty at the time prescribed. For this misconduct, you received an Article 15 nonjudicial punishment action, dated 17 Jul 00. Punishment consisted of reduction to the grade of airman basic.

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 you are 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 Capt [REDACTED], Area Defense Counsel, 895-9530, on 21 Jul 00, 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 within three days after receipt of the notification memorandum, 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 must report, in uniform, to the Shaw AFB Hospital, Physical Examinations Section, on 21 Jul 00, at 1445 hours for a medical examination.

*Global Power For America*

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 the orderly room.

9. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies which you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate **or** are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge if the reason is not homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board **or** other authority will make findings and recommendations concerning the validity of the indebtedness.

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

  
PAG  
Commander

Attachments:

1. AF Form 3070, 30 Jun 00
2. AF Form 3070, 17 Jul 00
3. Receipt of Notification