

<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF COUNSEL AND OR ORGANIZATION NONE	ADDRESS AND OR ORGANIZATION OF COUNSEL
------------------------------------------------------------------------	--	---------------------------------------------	----------------------------------------

MEMBERS SITTING	HON	GEN	UOTBC	OTHER	DENY
	[REDACTED]				
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A01.03	INDEX NUMBER 67.50	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4	COUNSEL'S RELEASE TO THE BOARD APPLICATION FOR REVIEW OF DISCHARGE LETTER OF NOTIFICATION BRIEF OF PERSONNEL FILE
BEARING DATE 010501	CASE NUMBER FD01-00078		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 
--------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------

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 COMMANDDR, EE WING, 3 RD FLOOR ANDREWS AFB, MD 20762-7002
--------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD01-00078

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 board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issues 1. The applicant stated that he did not receive a copy of the notification memorandum of discharge with a list of his disciplinary actions. The board found that there is a copy of this memorandum in the record with the applicant's signature and date of 12 June 2000 attesting to receiving both notification of discharge and a copy of the memorandum. The Board therefore did not substantiate this issue of impropriety. The board further found that the member's significant and repetitious misconduct warranted a characterization of the discharge as general.

The Board found no evidence of impropriety or inequity in this case upon which to base an upgrade of discharge.

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 00/07/11 UP AFI 36-3208, para 5.50.2 (Patter of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 79/01/21. Enlmt Age: 19 8/12. Disch Age: 21 5/12. Educ:HS DIPL. AFQT: N/A. A-56, E-49, G-48, M-54. PAFSC: 3P031 - Security Forces Apprentice. DAS: 99/07/08.

b. Prior Sv: AFRes 98/10/20 - 99/01/12 (2 months 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 99/01/13 for 4 yrs. Svd: 1 Yrs 5 Mo 29 Das, all AMS.

b. Grade Status: AB - 00/02/24 (Article 15, Vacation, 00/06/06)
AMN - (Unknown)

c. Time Lost: none.

d. Art 15's: (1) 00/02/24, Whiteman AFB, MO - Article 91. You, o/a 20 May 00, were disrespectful in language towards SSgt -----, a non-commissioned officer, then known by you to be a superior non-commissioned officer who was then in execution of his office, by saying to him "let's step over here and take off our shirts" and "how many stripes do you have?" or words to that effect. Rdn to AB. (No appeal) (No mitigation)

(2) 00/06/06, Whiteman AFB, MO - Article 92. You, who knew of your duties, o/a 8 Feb 00, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol during the 8 hours prior to reporting for duty, as it was your duty to do. Rdn to AB (susp till 22 Aug 00), forfeiture of \$100.00 pay per month for 2 months, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 17 DEC 99 - Late for duty.
LOC, 15 OCT 99 - Reporting for duty w/o study materials.
LOR, 15 OCT 99 - Late for duty.

f. CM: none.

g. Record of SV: none.

(Discharged from Whiteman AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (8) Mos (22) Das

TAMS: (1) Yrs (5) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/03/13/ia.
(Change Discharge to Honorable)

Issue 1: I never recieved (sic) back the Notification Memorandom (sic), which was attached to DD Form 149. That memorandom (sic) listed the disciplinary actions taken against me.

ATCH
none.

01/03/22/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, 509TH BOMB WING (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

27 Jun 00

MEMORANDUM FOR [REDACTED]

FROM: [REDACTED]

SUBJECT: Final Legal Review, AFI 36-3208, Administrative Discharge
[REDACTED]

1. **BASIS OF ACTION:** The respondent's squadron commander initiated discharge-action under AFD 36-32 and AFI 36-3208, paragraph 5.50.2, for a pattern of misconduct. He recommends an under honorable conditions (general) discharge without probation and rehabilitation.

2. **EVIDENCE FOR THE GOVERNMENT:** The record contains sufficient evidence to substantiate discharge under paragraph 5.50.2. Specific instances of the respondent's pattern of misconduct include:

- a. On 20 May 00, he disrespected [REDACTED] by saying to him "let's step over here and take off our shirts" and "how many stripes do you have?"
- b. On 8 Feb 00, he drank alcohol less than eight hours prior to duty in violation of regulations.
- c. On 15 Dec 99, he reported late for duty.
- d. On 14 Oct 99, he reported for duty without his study materials.
- e. On 15 Oct 99, he reported late for duty.

3. **EVIDENCE FOR THE RESPONDENT:** [REDACTED] He has consulted counsel and elected not to submit matters on his behalf. [REDACTED] entered the Air Force on 13 Jan 99. He is entitled to wear the Air Force Training Ribbon.

4. **DISCUSSION:** [REDACTED] was afforded many chances to maintain military standards. Despite efforts by his superiors he failed to respond. [REDACTED] was counseled on the importance of arriving to work on time. [REDACTED] received one Letter of Counseling, two Letters of Reprimand, and an Article 15. In October of 1999 [REDACTED] received his first Letter of Counseling for failing to report for duty with his study materials. The next day he showed up late for duty; thereby, receiving a Letter of Reprimand. Then in December of 1999, he received an Article 15 for consuming alcohol eight hours prior to duty. As an additional chance his punishment was suspended. However, [REDACTED] was disrespectful to an NCO, and the

suspended punishment from his Article 15 was vacated. Retaining [REDACTED] on active duty in a probationary status is not consistent with good order and discipline.

5. DISPOSITION ALTERNATIVES: You, as the special court-martial convening authority, are the separation authority for this action. You may:

- (a) retain the respondent in the Air Force;
- (b) direct that the respondent be separated with an under honorable conditions (general) discharge, with or without probation and rehabilitation;
- (c) recommend the respondent be separated with an honorable discharge, with or without probation and rehabilitation, and forward this case to the general court-martial convening authority (8th AF/CC) for action;
- (d) 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 (UOTHC) is warranted; or
- (e) direct the case be reinitiated under another paragraph of AFI 36-3208, if you deem it more appropriate.

7. RECOMMENDATION: I recommend you discharge the respondent, characterizing his service as under honorable conditions (general), without probation and rehabilitation. If you agree, please sign the attached correspondence and return this file to JA for further processing.



Attachment:
Discharge Package/AB [REDACTED]



DEPARTMENT OF THE AIR FORCE
509 SECURITY FORCES SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

12 Jun 2000

MEMORANDUM OR [REDACTED]

FROM: [REDACTED]

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.50. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On 20 May 00, you disrespected [REDACTED] by saying to him "let's step over here and take off our shirts" and "how many stripes do you have?". For this incident, your suspended bust on your previous Article 15, dated 16 Mar 00 was vacated on 8 Jun 00. (Atch 1a)

b. On 8 Feb 00, you drank alcohol less than eight hours prior to duty in violation of regulations. For this incident, you received an Article 15, dated 16 Mar 00. (Atch 1b)

c. On 15 Dec 99, you reported late for duty. For this incident, you received a Letter of Reprimand, dated 17 Dec 99. (Atch 1c)

d. On 15 Oct 99, you reported for duty without your study materials. For this incident, you received a Letter of Counseling, dated 15 Oct 99. (Atch 1d)

e. On 15 Oct 99, you reported late for duty, For this incident, you received a Letter of Reprimand, dated 15 Oct 99. (Atch 1e)

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 convening authority 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 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 [REDACTED] at building 509 on

12 Jun 00 at 1600 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 15 Jun 00 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 w a i v a n c e s s i o n of your right to do so.

7. You have been scheduled for a medical examination. You must report to Physical Exams at 1000 on 14 Jun 00 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 Orderly **Room**.

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



Attachments:

1. Supporting documents -- for the reason for discharge

- a. Vacation Action, dated 8 Jun 00
- b. Article 15, dated 16 Mar 00
- c. LOR, dated 17 Dec 99
- d. LOC, dated 15 Oct 99
- e. LOC, dated 15 Oct 99

2. Documents containing derogatory information -- which are not listed in the notification memorandum: Documents relating to the respondents misconduct are found at Atch 2 of the Notification Letter.

Airman's ip of notification memorandum, e