

NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

MEMBERS SITTING	MEMBERS SITTING				
	IRON	GEN	DOTIC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A92.21	INDEX NUMBER A67.10	1 ORDER APPOINTING THE BOARD
		2 APPLICATION FOR REVIEW OF DISCHARGE
		3 LETTER OF NOTIFICATION
HEARING DATE 01 05 03	CASE NUMBER FD01-00079	4 BRIEF OF PERSONNEL FILE
		COUNSEL'S RELEASE TO THE BOARD
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPERECORDING 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: 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 RD FLOOR ANDREWS AFB, MD 20762-7002
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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.

Issue applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was found in the course of the hearing. The records indicated the applicant received two Article 15s, a Letter of Reprimand, two Letters of Counseling, and four Records of Individual Counseling for misconduct. The misconduct included being late for duty on several occasions, dereliction in the performance of his duties, leaving his appointed place of duty without authority, and failing to maintain sufficient fund in his bank account to cover checks he wrote. 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 SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 00/06/05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 77/04/20. Enlmt Age: 18 9/12. Disch Age: 23 1/12. Educ: HS DIPL. AFQT: N/A. A-32, E-85, G-70, M-46. PAFSC: 2E153 - Ground Radio Communications Journeyman. DAS: 97/09/05.

b. Prior Sv: AFRes 96/01/26 - 96/10/01 (8 months 6 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enld as AB 96/10/02 for 6 yrs. Svd: 3 Yrs 8 Mo 4 Das, all AMS.

b. Grade Status: SRA - 99/03/16
A1C - 96/11/16

c. Time Lost: none.

d. Art 15's: (1) 00/04/24, Eielson AFB, AK - Article 134. You, did, o/a 11 Jan 00, make and utter to ----- certain checks for the purpose of obtaining money or other articles of value, drawn upon the -----, as follows: Check# 574, dated 11 Jan 00, in the amount of \$13.49, and Check#575, dated 11 Jan 00, in the amount of \$96.33, of a total amount of \$109.82 and signed ----- and did thereafter dishonorably fail to maintain sufficient funds in said bank for payment of said checks in full upon their presentment for payment. Rdn to A1C (susp till 23 Oct 00), 15 days restriction, and 15 days extra duty. (No appeal) (No mitigation)

(2) 99/12/03, Eielson AFB, AK - Article 86. You, did, o/a 12 Nov 99, w/o authority, go from your appointed place of duty. Forfeiture of \$100.00 pay per month for 2 months (in excess of \$100 pay susp till 1 Jun 00, and 7 days extra duty. (No appeal) (No mitigation)

e. Additional: LOC, 16 MAR 99 - Late for duty.
LOC, 30 MAR 99 - Late for duty.
LOC, 14 MAY 99 - Dereliction of duty.
LOC, 02 SEP 99 - Late for duty.
LOC, 01 OCT 99 - Late for duty.

LOR, 25 OCT 99 - Dereliction of duty.
LOC, 04 NOV 99 - Counseled on responsibilities.

f. CM: none.

g. Record of SV: 96/10/02 98/04/15 Eielson AFB 4 (HAF Dir)
-- 98/04/16 99/04/15 Eielson AFB 4 (Annual)
99/04/16 00/04/15 Eielson AFB 2 (Annual)
(Discharged from Eielson AFB)

h. Awards & Decs: AFTR, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (4 Mos (10) Das
TAMS: (3) Yrs (8 Mos (4) Das

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

Issue 1: Please upgrade discharge to Honorable.

ATCH

1. Character Reference.

01/03/23/ia

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES



19 May 00

MEMORANDUM FOR 354 FW/CC

FROM: 354 FW/JA

SUBJECT: Legal Review of AFPD 36-32 and AFI 36-3208 Discharge Action -
SrA [REDACTED] 354 CS, PACAF

1. I have reviewed the discharge package of SrA [REDACTED] and find it legally sufficient to support the proposed action. I concur with the recommendation of the unit commander that SrA [REDACTED] receive a general discharge without probation and rehabilitation based on Misconduct-Minor Disciplinary Infractions, AFI 36-3208, under the provisions of paragraph 5.49.

2. DISCUSSION:

The following incidents form the basis for this action:

- a. On or about 16 Mar 99, he was late for duty. For this infraction, he received a Letter of Counseling, dated 16 Mar 99 (Tab 4, Atch 1).
- b. On or about 30 Mar 99, he was late for duty. For this infraction, he received a Letter of Counseling, dated 30 Mar 99 (Tab 4, Atch 2).
- c. On or about 13 and 14 May 99, he was derelict in the performance of his duty by not taking out the trash as assigned to do so. For this infraction, he received a Letter of Counseling on 14 May 99 (Tab 4, Atch 3).
- d. On or about 2 Sep 99, he was late for duty. For this infraction, he received a Letter of Counseling, dated 2 Sep 99 (Tab 4, Atch 4).
- e. On or about 1 Oct 99, he was late for duty. For this infraction, he received a Letter of Counseling, dated 1 Oct 99 (Tab 4, Atch 5).
- f. Between on or about 26 Aug 99 and 1 Oct 99, he was derelict in the performance of his duty by negligently failing to complete the Technical Order annual A page check by the prescribed date. Between on or about 27 Sep 99 and 1 Oct 99, he was derelict in the performance of his duty by failing to sign the vehicle AF Form 1800, not locking the vehicle after being told

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to do so while not driving it, arriving for **work** 50 minutes late, leaving for TDY without processing out of the squadron Orderly Room, and not informing his work center of his **TDY** billeting room telephone number. For these infractions, he received a Letter of Reprimand, dated 25 Oct 99 (Tab 4, Atch 6).

g. On or about 4 Nov 99, he was counseled on his responsibilities in the ~~work~~ center. For this, he received a Letter of Counseling, dated 4 Nov 99 (Tab 4, Atch 7).

h. On or about 12 Nov 99, he left his appointed place of duty without authority. For this infraction, he received an Article 15, dated 22 Nov 99 (Tab 4, Atch 8).

i. On or about 11 Jan 00, he dishonorably failed to maintain sufficient funds in his bank account to cover checks he wrote. For this infraction he received an Article 15, dated 17 Apr 00 (Tab 4, Atch 9).

3. All procedures required by AFI 36-3208 have been properly complied with, and the case has been appropriately processed. [REDACTED] has waived his rights to consult legal counsel and to submit matters for your consideration (Tab 6).

4. IRREGULARITIES: None.

5. OPTIONS FOR THE SPECIAL COURT-MARTIAL CONVENING AUTHORITY: You may:

a. Retain the respondent in the Air Force.

b. Direct the case be reinitiated under another paragraph, if you deem it appropriate.

c. Recommend the respondent be separated with an honorable discharge, with or without probation and rehabilitation, and forward the case to the General Court-Martial Convening Authority (1 1 AF/CC) or his designee (1 1 AF/CV) for action.

d. Direct that the respondent be separated with a general discharge, with or without probation and rehabilitation.

6. RECOMMENDATION: I have reviewed this discharge package and find it legally sufficient to support involuntarily discharging [REDACTED]. [REDACTED]'s misconduct is in complete contrast with Air Force Standards and totally outside the realm of acceptable behavior. He has continually reported late for duty and shown total disregard for standard operating procedures. After he was given multiple opportunities for improvement, [REDACTED] has still not shown any changes in his attitude or behavior. It is apparent that one with the standard of behavior exhibited by [REDACTED] does not belong in the United States Air Force. Therefore, I recommend

he be separated with a general discharge, without the opportunity for probation and rehabilitation.




Chief, Military Justice

I concur



Deputy Staff Judge Advocate

Attachment:

 Discharge Package

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES



MEMORANDUM FOR SRA [REDACTED] 354 CS, PACAF

15 May 00

FROM: 354 CSICC

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 AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, you will be discharged and your service will be characterized as general. You will not be given an opportunity for probation and rehabilitation.
2. My reasons for this action are as follows:
 - a. On or about 16 Mar 99, you were late for duty. For this infraction, you received a Letter of Counseling, dated 16 Mar 99 (Atch 1).
 - b. On or about 30 Mar 99, you were late for duty. For this infraction, you received a Letter of Counseling, dated 30 Mar 99 (Atch 2).
 - c. On or about 13 and 14 May 99, you were derelict in the performance of your duty by not taking out the trash as assigned to do so. For this infraction, you received a Letter of Counseling on 14 May 99 (Atch 3).
 - d. On or about 2 Sep 99, you were late for duty. For this infraction, you received a Letter of Counseling, dated 2 Sep 99 (Atch 4).
 - e. On or about 1 Oct 99, you were late for duty. For this infraction, you received a Letter of Counseling, dated 1 Oct 99 (Atch 5).
 - f. Between on or about 26 Aug 99 and 1 Oct 99, you were derelict in the performance of your duty by negligently-failing to complete the Technical Order annual A page check by the prescribed date. Between on or about 27 Sep 99 and 1 Oct 99, you were derelict in the performance of your duty by failing to sign the vehicle AF Form 1800, not locking the vehicle after being told to do so while not driving it, arriving for work 50 minutes late, leaving for TDY without processing out of the squadron Orderly Room, and not informing your work center of your TDY billeting room telephone number. For these infractions, you received a Letter of Reprimand, dated 25 Oct 99 (Atch 6).
 - g. On or about 4 Nov 99, you were counseled on your responsibilities in the work center. For this, you received a Letter of Counseling, dated 4 Nov 99 (Atch 7).
 - h. On or about 12 Nov 99, you left your appointed place of duty without authority. For this infraction, you received an Article 15, dated 22 Nov 99 (Atch 8).

i, On or about 11 Jan 00, you dishonorably failed to maintain sufficient funds in your bank account to cover checks you wrote. For this infraction you received an Article 15, dated 17 Apr 00 (Atch 9).

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 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 ~~████████████████████~~ Area Defense Counsel, Building 3112, Room 155, Eielson AFB, Alaska, on 16 May 00 at 0830 hrs. 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 (3 duty days) 18 May 00, 1500 hrs., 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 Physical Examination Section, 354th Medical Group, Building 3349, at 1530 on 15 May 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.

Commander, 354 CS

Attachments:

1. Letter of Counseling, dated 16 ~~Mar~~ 99
2. Letter of Counseling, dated 30 ~~Mar~~ 99
3. Letter of Counseling, dated 14 May 99
4. Letter of Counseling, dated 2 Sep 99
5. Letter of Counseling, dated 1 Oct 99
6. Letter of Reprimand, dated 25 Oct 99
7. Letter of Counseling, dated 4 Nov 99
8. Article 15, dated 22 Nov 99
9. Article 15, dated 17 Apr 00