






AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE AB	AFSN/SSAN 
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TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">NO</td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>	YES	NO				
YES	NO					

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.05/06, A93.01/02, A92.35/36	INDEX NUMBER A64.00	EXHIBITS SUBMITTED TO THE BOARD		
		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 21 NOV 02	CASE NUMBER FD2000-0283			

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

REMARKS
Case heard at Dobbins ARB, GA

Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER 	SIGNATURE OF BOARD PRESIDENT 
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INDORSEMENT	DATE: 21 NOV 02
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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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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2000-0283

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

The applicant appeared and testified before the Discharge Review Board (Board) without counsel at Dobbins AFB, GA on November 21, 2002.

The following additional exhibits were submitted at the hearing:

Exhibit 6: Written statement from applicant dated November 21, 2002

Exhibit 7: Character reference from [REDACTED] dated November 19, 2002

Exhibit 8: Character reference from [REDACTED] dated November 20, 2002

Exhibit 9: Diploma from City College, Fort Lauderdale, Associate of Science, Electronics, June, 1996

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 that would justify a change of discharge.

ISSUES: The applicant's issues are listed in the attached brief. He contends his discharge was too harsh because he was immature and the offenses were of an isolated and minor nature, and he performed his duties well. He further contends that his First Sergeant had a vendetta against the applicant's brother and punished the applicant. He states that he has been a good citizen since his discharge. The applicant was discharged with an under honorable conditions (general) discharge for Misconduct, Discreditable Involvement with Military or Civil Authorities after 1 year, 1 month and 3 days of service. The member received 3 Records of Counseling, 3 Letters of Reprimand, and 2 Article 15's for being drunk and disorderly, wrongful consumption of alcohol underage, wrongful use with intent to deceive another's military identification card, failure to appear in civilian court, failure to go, driving illegally, and failed room inspection. The DRB concluded that the applicant had ample opportunities to correct his recurring pattern of misconduct that was a significant departure from conduct expected of all military members. The Board did not agree that the applicant's misconduct was minor or isolated. There was no evidence to suggest that the applicant's supervisor improperly targeted him because of the applicant's brother. The DRB was impressed with the applicant's post service accomplishments and work in the defense related aerospace industry directly supporting the Air Force. However, no inequity or impropriety in his discharge was found in the course of the hearing. The Board concluded the misconduct of the applicant was appropriately characterized.

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

FD00-00283-A

[REDACTED] (Former AB) (REHEARING)
[REDACTED]

1. MATTER UNDER REVIEW: Appl rec'd a Gen Dish fr USAF 90/09/17 UP AFR 39-10, para 5-47a (Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for HON Disch.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 00/08/04.

b. The AFDRB reviewed case on 00/09/19 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 00/12/23. (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

Atch

None.

01/05/21/ia

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 90/09/17 UP AFR 39-10, para 5-47a (Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 70/01/19. Enlmt Age: 19 6/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-46, E-40, G-42, M-73. PAFSC: 45430A - Apprentice Aerospace Propulsion Specialist. DAS: 90/02/06.

b. Prior Sv: none.

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 89/08/15 for 4 yrs. Svd: 1 Yrs 1 Mo 3 Das, all AMS.

b. Grade Status: AB - 90/08/30 (Article 15, 90/08/30)
AMN - 90/02/15

c. Time Lost: none.

d. Art 15's: (1) 90/08/30, Randolph AFB, TX - Article 134. You were, o/a 12 Aug 90, drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces. Rdn to AB. (Appeal/Denied) (No mitigation)

(2) 90/05/11, Randolph AFB, TX - Article 134. You did, o/a 31 Mar 90, wrongfully use with intent to deceive another's military identification card then well knowing the same to be unauthorized. You did, o/a 31 Mar 90, wrongfully consume alcoholic beverages in violation of Texas Alcoholic Beverage Code Section 166.04 which conduct was of a nature to bring discredit upon the armed forces. Thirty days correctional custody (correctional custody in excess of 20 days remitted 30 May 90). (No appeal) (No mitigation)

e. Additional: LOR, 20 AUG 90 - Underage possession of alcohol.
RIC, 05 JUN 90 - Failed room inspection.
LOR, 23 APR 90 - Civilian offense.
LOR, 16 APR 90 - Failure to go.
RIC, 16 MAR 90 - Failure to go.
RIC, 05 MAR 90 - Driving illegally.

- f. CM: none.
- g. Record of SV: none.
(Discharged from Randolph AFB)
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (1) Yrs (1) Mos (3) Das
TAMS: (1) Yrs (1) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 00/07/17.
(Change Discharge to Honorable)

Issue 1: During the period that I served in active duty I may have been a little immature to conduct my military service in a professional manner. I was caught on a few occasions in a night club under age, I was late a few times for work, and i was in a fight with another airman because he was beating up his girlfriend. The times that I was caught in a bar I was with my older brother who was also serving in active duty. My first sergeant, (Sergeant -----) seemed to have a personal vindata (sic) against my brother ----- and took his hatred toward him out on me by punishing me if he even found my brother in my dorm room. I know that I have made some mistakes but I don't feel I should have been discharged because of these petty instances that occurred (sic). I was always good at my job and was considered a valuable asset to the 12th Field Maintenance (sic) squadron where I was an Aerospace Propulsion Technician.

ATCH

- 1. Certificate of Completion.
- 2. College Degree.

00/08/04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 12TH AIR BASE GROUP (ATC)
RANDOLPH AIR FORCE BASE TX 78150-5000

FD00-00283-A

14 SEP 1990

REPLY TO
ATTN OF JA

SUBJECT: Legal Review of AFR 39-10 Discharge of

TO: CC

1. This discharge action was initiated under AFR 39-10, Chapter 5, paragraph 5-47a, a pattern of misconduct consisting of discreditable involvement with military or civil authorities. The squadron commander recommends a general discharge without probation and rehabilitation. The recommendation for this discharge is based upon the information contained in paragraph 2 of the Letter of Notification, summarized as follows:

a. On 12 August 1990, then [REDACTED] was apprehended for underage possession of an alcoholic beverage, disorderly conduct and drunkenness at the Rockwave Nightclub for which he received nonjudicial punishment under Article 15 consisting of a reduction to the grade of Airman Basic.

b. On 19 July 1990, then [REDACTED] was apprehended for underage possession of an alcoholic beverage for which he received a Letter of Reprimand.

c. On 1 June 1990, then [REDACTED] failed a room inspection for which he was counseled.

d. On 17 April 1990, then [REDACTED] failed to appear in civilian court for failing to wear a seatbelt and speeding. The civilian court issued a warrant for his arrest. As a result he received a Letter of Reprimand and an entry into his Unfavorable Information File.

e. On 13 April 1990, then [REDACTED] failed to report for duty for which he received a Letter of Reprimand.

f. On 31 March 1990, then [REDACTED] was apprehended for underage possession of an alcoholic beverage and misuse of a military identification card for which he received nonjudicial punishment under Article 15 consisting of thirty days correctional custody.

g. On 16 March 1990, then [REDACTED] failed to report for duty at the designated time for which he received a record of individual counseling.

h. On 3 March 1990, then [REDACTED] operated his motorcycle on Randolph Air Force Base without completing the required motorcycle safety course for which he was counseled.

2. The respondent is 20 years of age and is not married. He enlisted on active duty on 15 August 1989 and this is his first duty assignment. The respondent has no EPRs. After consulting with the Area Defense Counsel, the respondent has waived his right to submit statements.

3. As discharge authority, you may:

- a. Direct Retention; or
- b. Direct separation with a general discharge either with or without probation and rehabilitation; or
- c. Forward the case to AFMTC/CC with a recommendation that the respondent be separated with an honorable discharge, with or without probation and rehabilitation.

4. I recommend that you direct separation with a general discharge without probation and rehabilitation. A preponderance of the evidence in the file supports this recommendation. The respondent simply refuses to conform to the standards of bearing and behavior expected of an airman. The respondent's record does not merit an honorable discharge and his continuing pattern of behavior after rehabilitative measures weighs against offering probation and rehabilitation.



Lt Colonel, USAF
Staff Judge Advocate

FD06 00283-4



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 12TH FLYING TRAINING WING (ATC)
RANDOLPH AIR FORCE BASE TX 78150-5000

REPLY TO
ATTN OF: 12 FMS/CC

6 SEP 1990

SUBJECT: Notification Letter

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct consisting of discreditable involvement with military or civilian authorities. The authority for this action is AFR 39-10, paragraph 5-47a. If my recommendation is approved, your service will be characterized as honorable or general. I recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 12 August 1990 you were apprehended for underage possession of an alcoholic beverage, disorderly conduct and drunkenness at the Rockwave Nightclub for which you received nonjudicial punishment under Article 15, UCMJ, consisting of reduction to the grade of airman basic. (Atch 1a)

b. On 19 July 1990 you were apprehended for underage possession of an alcoholic beverage for which you received a Letter of Reprimand dated 20 August 1990. (Atch 1b)

c. On 1 June 1990 you failed a room inspection for which you received a Record of Individual Counseling dated 5 June 1990. (Atch 1c)

d. On 17 April 1990 you failed to appear in civil court and a warrant was issued for your arrest for failing to wear your seat belts and speeding for which you received a Letter of Reprimand dated 23 April 1990 and an entry was made in your UIF. (Atch 1d)

e. On 13 April 1990 you failed to report for duty for which you received a Letter of Reprimand dated 16 April 1990. (Atch 1e)

f. On 31 March 1990 you were apprehended for underage possession of an alcoholic beverage and misuse of a military identification card for which you received nonjudicial punishment under Article 15, UCMJ, consisting of thirty days correctional custody. (Atch 1f)

g. On 16 March 1990 you failed to report for duty at the designated time for which you received a Record of Individual Counseling dated 16 March 1990. (Atch 1g)

h. On 3 March 1990 you operated your motorcycle on base without having completed the MOST Course II for which you received a Record of Individual Counseling dated 5 March 1990. You were then given a direct order in writing not to operate your motorcycle on base until you had completed the MOST Course II. (Atch 1h)

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharge 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.

3. 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 Bldg 855 on 7 Sep 90 at 1230 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 11 Sep 90, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult counsel or to submit statements in you own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a medical examination. You must report to 12 FTW Clinic at 0730 hours and 1345 hours on 7 Sep 90 with [REDACTED] for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for you use in the orderly room.

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

[REDACTED]
[REDACTED] Major, USAF
Commander

Atchs

- 1a. Article 15
- 1b. Letter of Reprimand
- 1c. Letter of Counseling
- 1d. Letter of Reprimand, UIF
- 1e. Letter of Reprimand
- 1f. Article 15
- 1g. Letter of Counseling
- 1h. Letter of Counseling