

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>		GRADE AMN	AFSN/SSAN <div style="background-color: black; width: 100px; height: 15px;"></div>			
TYPE	PERSONAL APPEARANCE	x RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL.				
NAME OF COUNSEL AND OR ORGANIZATION						
YES	NO					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A94.05/06, A92.21/22, A94.53/54		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
				1	ORDER APPOINTING THE BOARD	
HEARING DATE 20 NOV 02		CASE NUMBER FD2001-0421		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		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.						
REMARKS <p>The applicant failed to show for his scheduled personal appearance at Dobbins AFB, GA. Case considered by records review.</p> <p>Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.</p>						
SIGNATURE OF RECORDER <div style="background-color: black; width: 250px; height: 40px;"></div>			SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 250px; height: 40px;"></div>			
INDORSEMENT				DATE: 20 NOV 02		
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			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE	CASE NUMBER FD2001-0421
<p>GENERAL: The applicant appeals for upgrade of discharge to Honorable.</p> <p>The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) at Dobbins AFB, GA on November 20, 2002, but after acknowledging intent to appear, failed to do so without requesting a postponement.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>ISSUES: The applicant's issues are listed in the attached brief. The applicant contends his discharge was inequitable because medical problems, the death of his sister and his otherwise good duty performance were not considered. He further contends he was immature and that his post service conduct is reflective of his true character and ability to serve. The applicant was discharged with an under honorable conditions (general) discharge for minor disciplinary infractions after 2 years, 3 months and 16 days of service. The member received numerous verbal and written counselings, letters of reprimand and admonishment between June 1992 and April 1994 including 15 Memo for Records, 3 Letters of Counseling, 1 Letter of Admonishment, 6 Letters of Reprimand, an Article 15 and a Vacation Action for repeated tardiness, repeated sleeping on duty, repeated failure to obey orders, repeated unsatisfactory duty performance, demonstrating a poor attitude, financial irresponsibility, making personal phone calls while performing duties that required concentration directed at an aircraft tracking monitor, making false statements and failing room inspection. The DRB found no evidence of significant medical issues documented in the service medical records or in documentation contained in his personnel file including his numerous rebuttals. No mention of family death was found in either the medical record including a mental health evaluation nor in the personnel file. The applicant had ample opportunity to correct the recurring misconduct that was a significant departure from conduct expected of all military members. The DRB noted he was discharged at 21 years, 10 months of age when immaturity and inability to know right from wrong is not an acceptable excuse. The DRB noted his post service education and goals and the applicant requested a second chance to serve based on the change in his character since discharge, however, the DRB found no evidence of impropriety or inequity that would warrant an upgrade.</p> <p>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.</p> <p>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.</p> <p>Attachment Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
[REDACTED]
(Former AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 94/05/20 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 72/07/15. Enlmt Age: 19 2/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-61, E-56, G-53, M-54. PAFSC: 1C531B - Aerospace and Warning Apprentice. DAS: 92/05/07.

b. Prior Sv: (1) AFRes 91/10/07 - 92/02/04 (03 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as 92/02/05 for 4 yrs. Svd: 02 Yrs 03 Mo 16 Das, all AMS.

b. Grade Status: AMN - 94/03/29 (Article 15, Vacation, 94/04/20)
A1C - Unknown
AMN - 92/08/05

c. Time Lost: none.

d. Art 15's: (1) 94/04/20, Vacation, Elmendorf AFB, AK - Article 92.
Dereliction of duty. Reduction to Amn.
(No appeal) (No mitigation)

(2) 94/03/29, Elmendorf AFB, AK - Article 86. You did, on or about 10 Mar 94, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn (suspended until 28 Sep 94). Forfeiture of \$90.00 pay per month for one month, 30 days restriction, and 30 days extra duty.
(Appeal/Denied) (No mitigation)

e. Additional: LOC, 11 JUN 92 - Dereliction of duty.
LOC, 02 JUL 92 - Failing room inspection.
LOA, 03 AUG 92 - Failure to go.
LOR, 13 AUG 92 - Failure to obey orders and making false statements.
LOR, 26 OCT 92 - Sleeping on duty.
MFR, 09 FEB 93 - Unsatisfactory performance.
LOC, 01 AUG 93 - Sleeping on duty.
LOR, 02 AUG 93 - Failure to go.
LOR, 27 SEP 93 - Failure to obey orders.
LOR, 08 FEB 94 - Dereliction of duty.

MFR, 28 FEB 94 - Unsatisfactory performance.

f. CM: none.

g. Record of SV: 92/02/05 - 93/10/26 Elmendorf AFB 1 (Initial)

(Discharged from Elmendorf AFB)

h. Awards & Decs: AFTR, NDSM, AFOSLTR.

i. Stmt of Sv: TMS: (02) Yrs (07) Mos (14) Das
TAMS: (02) Yrs (03) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01/10/03.
(Change Discharge to Honorable)

Issue 1: Death to immediate family. My sister's murder caused me to withdraw my focus.

Issue 2: Medical adaptation difficulties. Medication caused drowsiness which adversely (sic) affected me occupationally.

Issue 3: I feel that my discharge was inequitable because at the time that I was stationed in Anchorage, Alaska, I developed medical problems, and the medication that the doctors prescribed, adversely affected me occupationally. Previous to my joining the Air Force, I had never experienced allergies, nor was I used to taking strong medications.

I also suffered a death to my immediate family, the traumatic death of my only sibling, my sister, who was brutally murdered in Atlanta, Georgia while I was on active duty. Today is her birthday. She was only 19 yrs.

I really enjoyed my job in the air traffic control career field. I received awards such as Exceptionally Qualified as a Tracking Technician, but the strong medication kept me drowsy which caused me problems with my supervisors.

Currently, I am on the Dean's List at ----- Community College. I am pursuing an Aviation Administration degree with an Air Traffic Control Option. My goal upon graduation is to work for the Federal Aviation Administration while continuing my education, but my reentry code and my general discharge will not allow me back into the military or to pursue my education under the Montgomery G.I. Bill. (It also has and will continue to be an eliminating factor for obtaining most government jobs, specifically the Federal Aviation Administration). Although I don't have the G.I. Bill benefits available to me, I have enrolled in the college training initiative program at my own expense. I have turned my life around. I am 29 years old and I am no longer a young immature kid. I have had more than seven years to reflect on my mistakes. I really did not understand the consequences that would follow my behavior. Based on 20/20 hindsight, I truly wish I had been mature enough to handle things differently.

I am very interested in the Air Force Reserves, considering the recent attack on

America. From my point of view. It would be a terrible waste if I were not allowed to, use my excellent and expensive Air Force training combined with my present knowledge in aviation and air traffic control, to help defend Freedom.

You have the power to touch my life like no one else can. I don't know where else to turn. I hope and pray that you will find it in your heart to set the stage for my having the opportunity to have a second chance in life to perform with excellence in a profession that will surely continue to need skilled highly trained professionals in the years to come. I have no doubt that I can do it but I need someone to unlock the gate for me. Please help.

ATCH

1. Applicant's Issues.
2. DD Form 214.

02/01/29/ia

FD 200-0421

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

MEMORANDUM FOR 3 WG/CC

MAY 10 1994

FROM: 3 WG/JA

SUBJECT: Legal Review - Administrative Discharge - Amn [REDACTED]

1. Amn [REDACTED] has been recommended for discharge by the 744th Air Defense Squadron Commander (744 ADS/CC), pursuant to AFR 39-10, Chapter 5, Section H, paragraph 5-46, for minor disciplinary infractions. The reasons set forth in the Squadron Commander's Recommendation for Discharge Letter with accompanying documentation are legally sufficient to support discharge action under this provision of the regulation. Amn [REDACTED] is medically cleared for separation.

2. FACTS: The misconduct upon which this discharge is based occurred during Amn Hollis' current enlistment, which began on 5 Feb 92, and is detailed below:

a. On or about 11 Jun 92, Amn [REDACTED] failed to follow the instructions of a noncommissioned officer as evidenced by a Letter of Counseling (LOC), dtd 11 Jun 92.

b. On or about 2 Jul 92, Amn [REDACTED] failed a barracks room inspection and the subsequent re-inspection as evidenced by a LOC, dtd 2 Jul 92.

c. On or about 1 Aug 92, Amn [REDACTED] failed to go to his appointed place of duty at the time prescribed as evidenced by a Letter of Admonition (LOA), dtd 3 Aug 92.

d. On or about 13 Aug 92, Amn [REDACTED] failed to comply with the orders of a noncommissioned officer as evidenced by a LOR, dtd 13 Aug 92.

e. On or about 21 Aug 92, Amn [REDACTED] failed to comply with the orders of a noncommissioned officer and made false statements as evidenced by a LOR, dtd 26 Aug 92.

f. On or about 23 Oct 92, Amn [REDACTED] was found sleeping on duty as evidenced by a LOR, dtd 26 Oct 92.

g. On or about 8 Feb 93, Amn [REDACTED] duty performance was observed by Sgt Hemmert and TSgt Willett as being below standard as evidenced by a Memo for Record, dtd 9 Feb 93.

h. On or about 1 Aug 93, Amn [REDACTED] failed to remain awake while on duty as evidenced by a LOC, dtd 1 Aug 93.

i. On or about 2 Aug 93, Amn [REDACTED] failed to go to his appointed place of duty at the time prescribed as evidenced by a LOR, dtd 2 Aug 93.

j. On or about 12 Aug 93, Amn [REDACTED] failed to comply with an order from a noncommissioned officer as evidenced by a LOR, dtd 27 Sep 93.

k. On or about 6 Feb 94, Amn [REDACTED] was derelict in the performance of his duties by sleeping at his position as evidenced by a LOR, dtd 8 Feb 94 (Atch 11).

l. On or about 26 Feb 94, Amn [REDACTED] was counseled on the following areas by his supervisor, Sgt [REDACTED]: personal phone calls on duty; keeping alert while on duty, other than standing up; and the need to demonstrate a more aggressive and professional attitude toward his duties, as evidenced by a Memo for Record, dtd 28 Feb 94.

m. On or about 10 Mar 94, Amn [REDACTED] failed to go to his appointed place of duty at the time prescribed as evidenced by an Article 15, dtd 29 Mar 94.

n. On or about 29 Mar 94, Amn [REDACTED] was derelict in the performance of his duties as evidenced by a Vacation Action, dtd 20 Apr 94.

3. Should you decide discharge is appropriate, you must consider whether probation and rehabilitation is warranted. If you determine probation and rehabilitation is inappropriate, you must state the reasons for your decision. The 744 ADS Squadron Commander recommends a General Discharge and is against probation and rehabilitation.

4. ERRORS AND IRREGULARITIES: None

5. After consulting counsel, Amn [REDACTED] submitted a lengthy rebuttal to the discharge package. He addresses each item separately in his statement, and overall would like to remain in the Air Force but requests an Honorable Discharge if separated. Amn [REDACTED] has one EPR, 26 Oct 93.

6. You may take the following action in this case:

a. Direct this action be discontinued.

b. Direct Amn [REDACTED] be retained for processing under Chapter 6, Section C (Board Hearing) if you determine he should be separated with an Under Other Than Honorable Conditions Discharge.

c. Direct Amn [REDACTED] be separated from the United States Air Force with a General Discharge.

d. Forward this case file to 11 AF/CC if you determine an Honorable Discharge is warranted.

7. RECOMMENDATION: Discharge Amn [REDACTED] from the United States Air Force under the provisions of AFR 39-10, Chapter 5, Section H, paragraph 5-46. I further recommend a General Discharge with no probation and rehabilitation.

[REDACTED]

I concur.

[REDACTED] Lt Col
Staff Judge Advocate

Attachment:
Case File (Amn Hollis)

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

MEMORANDUM FOR 744 ADS/DOC (AMN [REDACTED])

FROM: 744 ADS/CC

APR 28 1994

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, Section H, paragraph 5-46. 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 reasons for this action are:

a. On or about 11 Jun 92, you failed to follow the instructions of a noncommissioned officer as evidenced by a Letter of Counseling (LOC), dtd 11 Jun 92 (Atch 1).

b. On or about 2 Jul 92, you failed a barracks room inspection and the subsequent re-inspection as evidenced by a LOC, dtd 2 Jul 92 (Atch 2).

c. On or about 1 Aug 92, you failed to go to your appointed place of duty at the time prescribed as evidenced by a Letter of Admonition (LOA), dtd 3 Aug 92 (Atch 3).

d. On or about 13 Aug 92, you failed to comply with the orders of a noncommissioned officer as evidenced by a LOR, dtd 13 Aug 92 (Atch 4).

e. On or about 21 Aug 92, you failed to comply with the orders of a noncommissioned officer and made false statements as evidenced by a LOR, dtd 26 Aug 92 (Atch 5).

f. On or about 23 Oct 92, you were found sleeping on duty as evidenced by a LOR, dtd 26 Oct 92 (Atch 6).

g. On or about 8 Feb 93, your duty performance was observed by Sgt [REDACTED] and TSgt [REDACTED] as being below standard as evidenced by a Memo for Record, dtd 9 Feb 93 (Atch 7).

h. On or about 1 Aug 93, you failed to remain awake while on duty as evidenced by a LOC, dtd 1 Aug 93 (Atch 8).

i. On or about 2 Aug 93, you failed to go to your appointed place of duty at the time prescribed as evidenced by a LOR, dtd 2 Aug 93 (Atch 9).

j. On or about 12 Aug 93, you failed to comply with an order from a noncommissioned officer as evidenced by a LOR, dtd 27 Sep 93 (Atch 10).

k. On or about 6 Feb 94, you were derelict in the performance of your duties by sleeping at your position as evidenced by a LOR, dtd 8 Feb 94 (Atch 11).

l. On or about 26 Feb 94, you were counseled on the following areas by your supervisor, Sgt [REDACTED] personal phone calls on duty; keeping alert while on duty, other than standing up; and the need to demonstrate a more aggressive and professional attitude toward your duties, as evidenced by a Memo for Record, dtd 28 Feb 94 (Atch 12).

m. On or about 10 Mar 94, you failed to go to your appointed place of duty at the time prescribed as evidenced by an Article 15, dtd 29 Mar 94 (Atch 13).

n. On or about 29 Mar 94, you were derelict in the performance of your duties as evidenced by a Vacation Action, dtd 20 Apr 94 (Atch 14).

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 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.

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 Capt [REDACTED], 552- [REDACTED], at Bldg [REDACTED], Rm 330 on 28 Apr 94 at 1000. You may consult civilian counsel at your own expense.

4. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 3 May 94 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 your 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 the 3rd Aerospace Medicine Squadron, Building 24-850 at 0715 on 29 Apr 94. (Fast (drink water only) for 14 hours prior, no alcohol 72 hours prior, no tobacco products 6 hours prior to examination, bring eyeglasses and contact solution if using contacts, and you must be in uniform 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 2. A copy of AFR 39-10 is available for your use at your Squadron Orderly Room.

, Lt Col, USAF
Commander

Attachments:

1. LOC, 11 Jun 92
2. LOC, 2 Jul 92
3. LOA, 3 Aug 92, w/2 Atch
4. LOR, 13 Aug 92
5. LOR, 26 Aug 92, w/2 Atch
6. LOR, 26 Oct 92
7. Memo for Record, 9 Feb 93
8. LOC, 1 Aug 93
9. LOR, 2 Aug 93
10. LOR, 27 Sep 93
11. LOR, 8 Feb 94
12. Memo for Record, 28 Feb 94
13. Article 15, 29 Mar 94
14. Vacation Action, 20 Apr 94
15. Other Supporting Documents