

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE A1C	AFSN/SSAN ████████████████
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TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

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

ISSUES A94.53/54	INDEX NUMBER A49.00	EXHIBITS SUBMITTED TO THE BOARD	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
HEARING DATE 20 NOV 02	CASE NUMBER FD2001-0521	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 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: 20 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

FD2001-0521

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

The applicant appeared and testified before the Discharge Review Board (Board) with counsel at Dobbins ARB, GA on November 20, 2002.

The following additional exhibits were submitted at the hearing:

Exhibit 6: Character letter from [REDACTED]

Exhibit 7: Character letter from [REDACTED]

Exhibit 8: Statement from applicant.

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.

The applicant requests upgrade of his discharge in order to receive GI Bill benefits. He apologized for his unsatisfactory performance and contends that his discharge was too harsh because personal problems and having civilian supervisors were the causes of his difficulties. He further states that he has tried to be an upstanding citizen since discharge. The applicant was discharged with an under honorable conditions (general) discharge for Unsatisfactory Performance after 3 years, 2 months and 23 days of service. The member received 5 Memos for Records, a Letter of Reprimand, an Article 15 and Vacation Action for repeated dereliction of duty, and late for duty. The DRB noted the applicant's honesty, remorse, and acceptance of responsibility for his behavior. The applicant's record of duty performance was noted to be satisfactory in other regards, however, the negative aspects offset the positive aspects of his service. The applicant contended a death in the family explained his misconduct and poor performance however testimony and review of the records did not reveal any evidence that supported this argument. He contended that his civilian supervisors failed to properly counsel him, however, evidence in the record and testimony finds ample evidence of appropriate involvement on the part of both his direct civilian supervisors and military chain of command. The applicant cited his desire to receive G.I. Bill benefits as a reason for upgrade. The DRB noted that the applicant understood he must receive an honorable discharge in order to receive educational entitlements when he signed a statement on DD Form 2366 application for GI benefits. The Board understands the impact of the loss of these benefits, however, it is not a matter of inequity or impropriety that would warrant an upgrade.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 96/01/12 UP AFI 36-3208, para 5.26.1 (Unsatisfactory Performance). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 73/10/09. Enlmt Age: 18 8/12. Disch Age: 22 3/12. Educ:HS DIPL. AFQT: N/A. A-56, E-44, G-57, M-36. PAFSC: 3A051 - Information Management Journeyman. DAS: 93/02/18.

b. Prior Sv: (1) AFRes 92/06/22 - 92/10/19 (3 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 92/10/20 for 4 yrs. Svd: 03 Yrs 02 Mo 23 Das, all AMS.

b. Grade Status: AB - 95/07/18 (Article 15, Vacation, 95/11/29)
SRA - 95/06/20

c. Time Lost: none.

d. Art 15's: (1) 95/11/29, Vacation, Brooks AFB, TX - Article 86 & 92. You did, on or about 22 Nov 95, without authority, fail to go at the time prescribed to your appointed place of duty. Furthermore, you, who knew of your duties, on or about 22 Nov 95, was derelict in the performance of those duties in that you willfully failed to prepare test materials, as it was your duty to do. Reduction to A1C. (No appeal) (No mitigation)

(2) 95/07/18, Brooks AFB, TX - Article 92 & 86. You, who knew of your duties, on or about 30 Jun 95, was derelict in the performance of those duties in that you willfully failed to pull test materials, as it was your duty to do. Furthermore, you, did, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C (suspended until 12 Jan 96), and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: MFR, 28 NOV 95 - Dereliction of duty.
MFR, 28 NOV 95 - Late for duty.
MFR, 27 NOV 95 - Dereliction of duty.
MFR, 12 OCT 95 - Traffic violation.
MFR, 28 SEP 95 - Late to work.

f. CM: none.

g. Record of SV: 95/05/01 - 95/12/01 Brooks AFB 1 (HAF Dir)

(Discharged from Brooks AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (03) Yrs (06) Mos (21) Das
TAMS: (03) Yrs (02) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/11/21.
(Change Discharge to Honorable)

Issue 1: I would like to take this opportunity to apologize for my unsatisfactory performance between Oct '92 thru Jan '96.

Issue 2: I have come to realize that wrongs may never be righted, however I know that i am capable of achieving much success with a little help.

Issue 3: With all respect to my discharge, I honestly need my educational benefits to broaden my future endeavors.

Issue 4: I feel my discharge should be upgraded so that I can use the monies paid into the Montgomery GI Bill and better myself as well as my families well being.

ATCH
none.

02/03/08/ia