

<b>TYPE GEN</b>		<b>PERSONAL APPEARANCE</b>			<b>X RECORD REVIEW</b>						
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>			<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>						
<b>YES</b>	<b>NO</b>										
	<b>X</b>										
<b>MEMBERS SITTING</b>					<b>VOICE OF THE BOARD</b>						
					<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>		
[REDACTED]										<b>X</b>	
[REDACTED]										<b>X</b>	
[REDACTED]										<b>X</b>	
[REDACTED]										<b>X</b>	
[REDACTED]										<b>X</b>	
[REDACTED]										<b>X</b>	
<b>ISSUES</b>		<b>INDEX NUMBER</b>			<b>EXHIBITS SUBMITTED TO THE BOARD</b>						
<b>A92.35, A92.37, A67.05</b>		<b>A67.50</b>			<b>1</b>	<b>ORDER APPOINTING THE BOARD</b>					
					<b>2</b>	<b>APPLICATION FOR REVIEW OF DISCHARGE</b>					
					<b>3</b>	<b>LETTER OF NOTIFICATION</b>					
<b>HEARING DATE</b>		<b>CASE NUMBER</b>			<b>4</b>	<b>BRIEF OF PERSONNEL FILE</b>					
<b>02-09-06</b>		<b>FD2002-0008</b>				<b>COUNSEL'S RELEASE TO THE BOARD</b>					
						<b>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</b>					
						<b>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</b>					
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.</b>											
<b>REMARKS</b>											
<b>Case heard at Washington, D.C.</b>											
<b>Advise applicant of the decision of the Board and the right to a personal appearance and right to counsel, The right to submit an application to the AFBCMR.</b>											
<b>SIGNATURE OF RECORDER</b>					<b>SIGNATURE OF BOARD PRESIDENT</b>						
[REDACTED]					[REDACTED]						
<b>INDORSEMENT</b>					<b>DATE: 02-09-06</b>						
<b>TO:</b>					<b>FROM:</b>						
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742					SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002						

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0008

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge is denied.

The Board finds that neither the evidence of record or that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for a pattern of misconduct. He had a Letter of Admonishment, a Letter of Reprimand, three Letters of Counseling, an Article 15, and a vacation of suspended punishment. His misconduct included two instances of failure to go, speeding in a Security Forces vehicle, being drunk and disorderly, joyriding in a golf cart at night and causing significant damage to the golf course, violating a lawful order not to discuss an investigation, and making a false official statement. Member was referred to the Mental Health Clinic due to his alcohol-related incident, but no diagnosis was made and he was apparently not entered into any particular programs. At the time of the discharge, applicant waived his right to submit a statement in his own behalf. He now contends his discharge was based on one isolated incident during his period of service. The Board finds this issue without merit in that member's misconduct consisted of a series of incidents that were of a very serious nature. His conduct was a significant departure from the standards expected of airmen, and although member was counseled repeatedly and given numerous opportunities to improve and change his negative behavior, he was unable or unwilling to do so. Therefore, no inequity or impropriety was found in his discharge in the course of the records review.

**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  
HEADQUARTERS OGDEN AIR LOGISTICS CENTER (AFMC)  
HILL AIR FORCE BASE, UTAH

28 March 2000

MEMORANDUM FOR 75 ABW/CC

FROM: OO-ALC/JA

SUBJECT: Administrative Discharge Legal Review  
[REDACTED]

1. I have reviewed the attached discharge package concerning [REDACTED] (respondent) and find it legally sufficient.

2. Background: On 24 March 2000, the 75<sup>th</sup> Security Forces Squadron Commander notified the respondent that he was recommending his discharge from the Air Force for a pattern of misconduct, under AFPD 36-32 and AFI 36-3208, paragraph 5.50. In his 26 March 2000 memorandum, the commander recommends you discharge the respondent with a general discharge.

3. Evidence for the Commander:

a. On or about 15 November 1999, the respondent signed a false official statement. For this act of misconduct, he received a vacation of suspended punishment, dated 20 March 2000. (Atch 1a)

b. Between on or about 24 November 1999 and 27 November 1999, the respondent willfully damaged golf course sand pits, greens, and golf carts, military property of the United States, and disobeyed a lawful order. In addition, on or about 20 January 2000, he failed to go at the time prescribed to his appointed place of duty. For these acts of misconduct, he received an Article 15, dated 24 February 2000. (Atch 1b)

c. On or about 16 May 1999, the respondent failed to secure the drop lock onto the security forces armory door. For this misconduct, he received a Letter of Counseling (LOC), dated 17 June 1999. (Atch 1c)

d. On or about 18 May 1998, the respondent was involved in a drunken brawl with another member of his unit in public. For this act of misconduct, he received a Letter of Reprimand (LOR), dated 19 May 1998. (Atch 1d)

e. On or about 1 April 1998, the respondent parked his vehicle in a Handicapped slot at the base hospital. For this act of misconduct, he received a Letter of Admonishment (LOA), dated 1 April 1998. (Atch 1e)

f. On or about 11 March 1998, the respondent missed his mandatory Physical Training Test. For this act of misconduct, he received an LOC, dated 22 March 1998. (Atch 1f)

g. On or about 23 January 1998, the respondent was observed operating a Security Forces vehicle at excessive speeds without reason. For this act of misconduct, he received an LOC, dated 23 January 1998. (Atch 1g)

4. Evidence for the Respondent: After consulting with counsel, the respondent elected not to submit a statement for you to consider.

5. Errors or Irregularities: In respondent's 28 March 2000 memorandum, he wrongfully states that he is being discharged under AFI 36-3208, paragraph 5.49 for minor disciplinary infractions. However, the notification letter, dated 24 March, and the receipt of notification letter signed by the respondent on 24 March, clearly identify the basis for the discharge action under AFI 36-3208, paragraph 5.50 for a pattern of misconduct. Therefore, the respondent was appropriately notified of the basis of his discharge and the error occurring on his subsequent memorandum is of no legal significance.

6. Discussion: Under AFPD 36-32 and AFI 36-3208, paragraph 5.50, an airman may be administratively discharged in the current enlistment for a pattern of misconduct. In this case, the respondent's conduct warrants an administrative discharge. He has shown disregard for rules and standards and has failed to conform his conduct despite several letters of counseling, a letter reprimand, an Article 15 and a vacated suspended punishment. Furthermore, the proper characterization of the respondent's discharge is general. A general characterization is warranted, according to AFI 36-3208, paragraph 1.18.2, when significant negative aspects of an airman's conduct outweigh the positive aspects of his military record. In this case, the pattern of misconduct in which the respondent has engaged does outweigh the positive aspects of his service.

7. Options: As the Special Court-Martial Convening Authority, you have the following options:

a. Terminate this action by directing the respondent be retained in the Air Force.

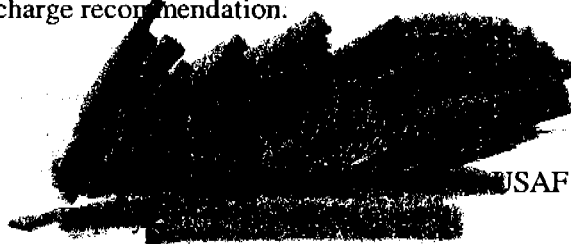
b. Recommend to the GCMCA authority that the respondent be discharged with an honorable characterization, with or without probation and rehabilitation (P&R).

c. Order the respondent be discharged with a general discharge characterization, with or without an offer of P&R.

8. Recommendation: I recommend you order the respondent's discharge from the Air Force with a general discharge, without P&R.

 USAF

I (concur) (~~do not concur~~) with the attached discharge recommendation.

 USAF

Attachment  
Case File

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

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/04/05 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 77/02/19. Enlmt Age: 19 7/12. Disch Age: 23 1/12. Educ: HS DIPL. AFQT: N/A. A-61, E-41, G-44, M-57. PAFSC: 3P051 - Security Forces Journeyman. DAS: 97/07/28.

b. Prior Sv: (1) AFRes 96/09/20 - 97/03/11 (5 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 97/03/12 for 4 yrs. Svd: 03 Yrs 00 Mo 24 Das, all AMS.

b. Grade Status: AB - 00/02/24 (Article 15, Vacation, 00/03/20)  
AMN - 00/02/24  
A1C - 98/07/12  
AMN - 97/09/12

c. Time Lost: none.

d. Art 15's: (1) 00/03/20, Vacation, Hill AFB, UT - Article 107. You did, on or about 15 Nov 99, with intent to deceive, sign an official statement, to wit: custody of my son will start on 1 Dec 99, which statement was totally false, and was then known by you to be so false. Reduction to AB. (No appeal) (No mitigation)

(2) 00/02/24, Hill AFB, UT - Article 92. You, did, having knowledge of a lawful order issued by TSgt ----- not to discuss, disclose or provide information of any portion of the investigation, an order which it was your duty to obey, did, on or about 27 Nov 99, fail to obey the same by wrongfully talking about the case with Amn -----, Article 108. You, did, between on or about 24 Nov 99 and 26 Nov 99, without proper authority, willfully damage golf course sand pits, greens and golf carts, military property of the United States, the amount of said damage being in the sum of about \$1570.24. Article 86. You, did, on or about 20 Jan 00, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn. Reduction to AB suspended until 23 Aug 00. Forfeiture of \$502.00 pay per month for two months

(suspended until 23 Aug 00), and 30 days extra duty.  
(Appeal/Denied) (No mitigation)

- e. Additional: LOC, 17 JUN 99 - Dereliction of duty.  
LOR, 19 MAY 98 - Drunk and brawling.  
LOA, 01 APR 98 - Illegal parking.  
LOC, 22 MAR 98 - Failure to go.  
LOC, 23 JAN 98 - Speeding.
- f. CM: none.
- g. Record of SV: 97/03/12 - 98/11/11 Hill AFB 4 (Initial)  
98/11/12 - 99/08/26 Hill AFB 5 (CRO)
- (Discharged from Hill AFB)
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (03) Yrs (06) Mos (16) Das  
TAMS: (03) Yrs (00) Mos (24) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01/12/18.  
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on one isolated incident in 74 months of service with no other adverse action.

ATCH  
none.

02/07/18/ia



DEPARTMENT OF THE AIR FORCE  
75<sup>TH</sup> SECURITY FORCES SQUADRON (AFMC)  
HILL AIR FORCE BASE, UTAH

MEMORANDUM FOR [REDACTED] 24 MAR 00

FROM: 75 SFS/CC

SUBJECT: Notification Letter

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

2. My reasons for this action are:

a. On or about 15 November 1999, with intent to deceive, you signed a false official statement. For this act of misconduct, you received a vacation of suspended punishment, dated 20 March 2000. (Atch 1a)

b. Between on or about 24 November 1999 and 27 November 1999, you willfully damaged golf course sand pits, greens, and golf carts, military property of the United States, and disobeyed a lawful order. In addition, on or about 20 January 2000, you failed to go at the time prescribed to your appointed place of duty. For these acts of misconduct, you received an Article 15, dated 24 February 2000. (Atch 1b)

c. On or about 16 May 1999, you failed to secure the drop lock onto the security forces armory door. For this misconduct you received a Letter of Counseling (LOC), dated 17 June 1999. (Atch 1c)

d. On or about 18 May 1998, you were involved in a drunken brawl with another member of your unit in public. For this act of misconduct you received a Letter of Reprimand (LOR), dated 19 May 1998. (Atch 1d)

e. On or about 1 April 1998, you parked your vehicle in a Handicapped slot at the base hospital. For this act of misconduct, you received a Letter of Admonishment (LOA), dated 1 April 1998. (Atch 1e)

f. On or about 11 March 1998, you missed your mandatory Physical Training Test. For this act of misconduct, you received an LOC, dated 22 March 1998. (Atch 1f)

g. On or about 23 January 1998, you were observed operating a Security Forces vehicle at excessive speeds without reason. For this act of misconduct, you received an LOC, dated 23 January 1998. (Atch 1g)

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 a higher authority will determine 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.
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 with the Area Defense Counsel, [REDACTED] at building 1205, on 27 MAR 00 at 0800. 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 29 MAR 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 waiver of your right to do so.
7. You have been scheduled for a medical examination. You must report to the physical exam section of the base clinic on 27 MAR 00, between 1300 and 1500 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 the unit orderly room.

[REDACTED]  
Maj, U  
Commander

Attachments:

- 1a. AF Form 366, dtd 20 Mar 00/Response
  - b. AF Form 3070, dtd 24 Feb 00/Legal Review/Appeal
  - c. LOC, dtd 17 Jun 99
  - d. LOR, dtd 19 May 98
  - e. LOA, dtd 1 Apr 98
  - f. LOC, dtd 22 Mar 98
  - g. LOC, dtd 23 Jan 98
2. Airman's Receipt of Notification Letter