

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
	<b>A1C</b>	

TYPE	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">COUNSEL</td> <td style="padding: 2px;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="text-align: center; padding: 2px;"><b>X</b></td> </tr> </table>	COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	YES	NO		<b>X</b>	ADDRESS AND OR ORGANIZATION OF COUNSEL	
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YES	NO							
	<b>X</b>							

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GRN	DOTH	OTHER	DENY
					<b>X</b>
					<b>X</b>
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					<b>X</b>

ISSUES <b>A95.00</b>	INDEX NUMBER <b>A67.10</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center; background-color: #cccccc;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; text-align: center;"><b>1</b></td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;"><b>2</b></td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;"><b>3</b></td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>4</b></td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<b>1</b>	ORDER APPOINTING THE BOARD	<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	<b>3</b>	LETTER OF NOTIFICATION	<b>4</b>	BRIEF OF PERSONNEL FILE		COUNSEL'S RELEASE TO THE BOARD		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		TAPE RECORDING OF PERSONAL APPEARANCE HEARING
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HEARING DATE <b>15 Oct 02</b>	CASE NUMBER <b>FD2002-0071</b>																	

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 Washington, D.C.**

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

**NOTE: Applicant failed to appear at his hearing. He was sent a letter containing the day and location of his hearing and failed to appear at the appointed time without making a request for a continuation, postponement, or withdrawal. In this case, the applicant shall be deemed to have waived the right to a hearing, and the DRB completed its review of the discharge.**

SIGNATURE OF RECORDER	SIGNATURE OF BOARD MEMBER
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<b>ENDORSEMENT</b>		<b>DATE: 15 Oct 02</b>
<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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

FD02-0071

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

**ISSUE:** The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received an Article 15 for wrongfully starting leave out of the local area and signing an official record knowing that is was false. He also received two Letters of Reprimand for sleeping while on duty and failure to install a vehicle license plate bracket. In addition, he received a Memorandum for Record for getting two traffic citations and a Letter of Counseling for unsatisfactory duty performance. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

**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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 99/11/24 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 77/12/05. Enlmt Age: 18 8/12. Disch Age: 21 11/12. Educ:HS DIPL. AFQT: N/A. A-50, E-67, G-57, M-50. PAFSC: 2R031 - Maintenance Data Systems & Analysis Apprentice. DAS: 97/10/01.

b. Prior Sv: (1) AFRes 96/08/19 - 96/12/10 (3 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 96/12/11 for 4 yrs. Svd: 02 Yrs 11 Mo 14 Das, all AMS.

b. Grade Status: A1C - 99/06/01  
AMN - (EPR Indicates): 96/12/11-98/08/10

c. Time Lost: none.

d. Art 15's: (1) 98/01/23, Whiteman AFB, MO - Article 92. You did, on or about 19 Dec 97, fail to obey a lawful general regulation, to wit: AFI 36-3003, Military Leave Program, para 6, dated 1 Nov 95, by wrongfully starting leave out of the local area. Article 107. You did, on or about 6 Jan 98, with the intent to deceive, sign an official record, to wit: AF Form 988, Leave/Authorization, which record was false in that you marked the "No Change" block in Section III, indicating that you had left the local area for leave on 22 Dec 97, and was then known by you to be so false. Reduction to AB (suspended until 22 Jul 98), and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 01 NOV 99 - Sleeping on post.  
LOR, 22 OCT 99 - Failure to install a vehicle license plate bracket.  
MFR, 18 OCT 99 - Two traffic citations.  
LOC, 16 MAR 99 - Unsatisfactory duty performance.

f. CM: none.

g. Record of SV: 96/12/11 - 98/08/10 Whiteman AFB 2 (Initial)REF

98/08/11 - 98/12/30 Whiteman AFB 3 (CRO)

(Discharged from Whiteman AFB)

h. Awards & Decs: AFTR, AFAM, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (3) Mos (6) Das  
TAMS: (2) Yrs (11) Mos (14) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/02/13.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH  
none.

02/05/29/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS, 509TH BOMB WING (ACC)  
WHITEMAN AIR FORCE BASE, MISSOURI

MEMORANDUM FOR 509 BW/CC

19 NOV 1999

FROM: 509 BW/JA <sup>ffs</sup> <sup>16</sup>

SUBJECT: Final Legal Review, AFI 36-3208, Administrative Discharge  
AIC [REDACTED] 509 OSS

1. **BASIS OF ACTION:** The respondent's squadron commander initiated discharge action under AFI 36-32 and AFI 36-3208, paragraph 5.49, for minor disciplinary infractions. He recommends an under honorable conditions (general) discharge without probation and rehabilitation.

2. **EVIDENCE FOR THE GOVERNMENT:** The record contains sufficient evidence to substantiate discharge under paragraph 5.49. Specific instances of the respondent's minor disciplinary infractions include:

a. On or about 24 Oct 99, he was caught sleeping while manning a guard post during the wing's recent nuclear generation exercise.

b. On or about 15 Oct 99, he requested time off from work to purchase and install a front license plate bracket yet on or about 22 Oct 99 no bracket or license plate was installed on his vehicle.

c. On or about 12 Oct 99, he was issued two traffic citations. The first citation was for operating a motor vehicle without proper registration, and the second was for not having a front license plate.

d. Between on or about 1 Mar 99 through 5 Mar 99, he did not perform his assigned duties in the manner he was ordered.

e. On or about 19 Dec 97, he disobeyed a lawful general regulation, to wit: Air Force Instruction 36-3003, Military Leave Program, by wrongfully starting leave out of the local area.

f. On or about 6 Jan 98, with the intent to deceive, he signed an official record to wit: AF Form 988, Leave/Authorization, which record was false in that he marked the "No Change" block in Section III, indicating that he had left the local area for leave on 22 Dec 97, and was then know by him to be so false.

3. **EVIDENCE FOR THE RESPONDENT:** AIC [REDACTED] is 21 years old. He consulted counsel and submitted matters in his behalf. AIC [REDACTED] entered the Air Force on 11 Dec 96. He is entitled to wear the Air Force Outstanding Unit Award and the Air Force Training Ribbon. In his response to his notification of potential discharge, AIC [REDACTED] requests that he be retained in

the Air Force. However, if you elect to discharge him, he requests that his service be characterized as honorable and that it not be effective until 11 December to avoid losing the \$1,200.00 he has invested in the Montgomery G.I. Bill.

4. **DISCUSSION:** A1C [REDACTED] has failed to comply with military standards. He received an Article 15 for knowingly abusing the military leave program despite being briefed by his supervisors on what he could and could not do. He was counseled and later reprimanded for not properly registering and licensing his vehicle, and his record further reflects he has been counseled on at least three other occasions for poor duty performance. Most recently, A1C [REDACTED] received a letter of reprimand for sleeping while on guard duty during a recent exercise. Despite the many opportunities to correct his behavior, A1C [REDACTED] has failed to do so. His conduct warrants a discharge for cause. The potential of losing his veteran's educational benefits is a factor that should have motivated A1C [REDACTED] to be more conscientious in his personal conduct. Retaining A1C [REDACTED] on active duty in a probationary status is not consistent with good order and discipline.

5. **DISPOSITION ALTERNATIVES:** You, as the special court-martial convening authority, are the separation authority for this action. You may:

(a) retain the respondent in the Air Force;

(b) direct that the respondent be separated with an under honorable conditions (general) discharge, with or without probation and rehabilitation;

(c) recommend the respondent be separated with an honorable discharge, with or without probation and rehabilitation, and forward this case to the general court-martial convening authority (8th AF/CC) for action;

(d) direct this case be reinitiated pursuant to the board hearing procedures of AFI 36-3208, Chapter 6, Section C, if you feel a discharge under other than honorable conditions (UOTHC) is warranted; or

(e) direct the case be reinitiated under another paragraph of AFI 36-3208, if you deem it more appropriate.

6. **RECOMMENDATION:** I recommend you discharge the respondent, characterizing his service as under honorable conditions (general), without probation and rehabilitation. If you agree, please sign the attached correspondence and return this file to JA for further processing.

[REDACTED]  
[REDACTED], Capt, USAF  
- Chief, Civil Law

Attachment:

Discharge Package/A1C [REDACTED]

DEPARTMENT OF THE AIR FORCE  
509th OPERATIONS SUPPORT SQUADRON (ACC)  
WHITEMAN AIR FORCE BASE, MISSOURI

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5 Nov 99

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MEMORANDUM FOR A1C [REDACTED], 509 OSS

SS/CC

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Notification Memorandum

r own

Regarding your discharge from the United States Air Force for minor disciplinary  
authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.49. If  
the action is approved, your service may be characterized as honorable or under  
other conditions (general). I am recommending that your service be characterized as under  
other conditions (general).

want the  
you request  
authority.

For this action are:

ure will

On or about 24 Oct 99, you were caught sleeping while manning a guard post during  
nuclear generation. For this you received a Letter of Reprimand, dated 1 Nov  
99, which was placed in your existing Unfavorable Information File. (Atch 1a)

l Exams at

On or about 15 Oct 99, you requested time off from work to purchase and install a  
license bracket. On or about 22 Oct 99 no bracket or license plate was installed on  
your vehicle and for this you received a Letter of Reprimand dated 22 Oct 99, which was placed in  
your Unfavorable Information File. (Atch 1b)

1974. A

On or about 12 Oct 99, you were issued two traffic citations. The first citation was for  
operating a vehicle with out proper registration and the second was for not having a front  
license plate. For this you were counseled as documented by Memorandum for Record, dated 18  
Oct 99. (Atch 1c)

On or about 1 Mar 99 through 5 Mar 99, you did not perform your assigned  
duties which you were ordered. For this you received a Letter of Counseling,  
dated 1 Mar 99, which was placed in an Unfavorable Information File. (Atch 1d)

On or about 19 Dec 97, you failed to comply with general regulation, to wit: Air Force Instruction 36-3003, Military Leave Program,  
dated 1 Nov 95, by wrongfully starting leave out of the local area, in violation of  
AFI 36-3003. For this you received an Article 15, dated 11 Feb 98. (Atch 1e)

On or about 6 Jan 98, with the intent to deceive, you signed an official record to wit: AF  
Form 88-1, Authorization, which record was false in that you marked the "No Change"

block in Section III, indicating that you had left the local area for leave on 22 Dec 97, and was then know by you to be so false, in violation of UCMJ, Article 107. For this you received an Article 15, dated 11 Feb 98. (Atch 1e)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial convening authority 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 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 Captain [REDACTED] at building 509 on 5 Nov 99 at 1000. 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 10 Nov 99 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 Physical Exams at 1020 on 16 Nov 99 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.
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED] Lt Col, USAF  
Commander

Attachments:

1. Supporting documents -- for the reason for discharge
  - a. LOR, dated 1 Nov 99
  - b. LOR, dated 22 Oct 99
  - c. Memo for Record, dated 18 Oct 99
  - d. LOC/UIF, dated 16 Mar 99
  - e. AF Form 3070, dated 11 Feb 98
2. Airman's receipt of notification memorandum, dated 5 Nov 99.