

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

|   |                    |           |
|---|--------------------|-----------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) | GRADE<br><b>AB</b> | AFSN/SSAN |
|---|--------------------|-----------|

|                                     |  |  |
|-------------------------------------|--|--|
| TYPE                                | <input checked="" type="checkbox"/> <b>PERSONAL APPEARANCE</b> | <b>RECORD REVIEW</b>                   |
| COUNSEL:                            | NAME OF COUNSEL AND OR ORGANIZATION                            | ADDRESS AND OR ORGANIZATION OF COUNSEL |
| YES                                 | <b>VFW</b>   |  |
| NO                                  |  |  |
| <input checked="" type="checkbox"/> |  |  |

| <u>MEMBERS SITTING</u> | VOTE OF THE BOARD |     |       |       |                                     |
|------------------------|-------------------|-----|-------|-------|-------------------------------------|
|                        | HON               | GEN | UOTHC | OTHER | DENY                                |
|                        |                   |     |       |       | <input checked="" type="checkbox"/> |
|                        |                   |     |       |       | <input checked="" type="checkbox"/> |
|                        |                   |     |       |       | <input checked="" type="checkbox"/> |
|                        |                   |     |       |       | <input checked="" type="checkbox"/> |
|                        |                   |     |       |       | <input checked="" type="checkbox"/> |

|                                  |                                   |  |  |  |
|----------------------------------|-----------------------------------|--|--|--|
| ISSUES<br><b>A94.12/A95.00</b>   | INDEX NUMBER<br><b>A67.10</b>     | <b>EXHIBITS SUBMITTED TO THE BOARD</b> |  |  |
|                                  |                                   | <b>1</b>                               | ORDER APPOINTING THE BOARD                                   |  |
|                                  |                                   | <b>2</b>                               | APPLICATION FOR REVIEW OF DISCHARGE                          |  |
|                                  |                                   | <b>3</b>                               | LETTER OF NOTIFICATION                                       |  |
| HEARING DATE<br><b>10 OCT 02</b> | CASE NUMBER<br><b>FD2002-0077</b> | <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                |  |

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.**

|   |  |                        |
|---|--|------------------------|
| INDORSEMENT   |  | <b>DATE: 11 OCT 02</b> |
| TO:<br>SAF/MIBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742 | FROM:<br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR<br>ANDREWS AFB, MD 20762-7002 |                        |

## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD02-0077

**GENERAL:** The applicant appeals for a change of the service characterization from General to Honorable.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB, MD on October 10, 2002.

The following additional exhibits were submitted at the hearing: Exhibit 5: Applicant's issues; Exhibit 6: Observation Report, 25 Oct 01; Exhibit 7: Observation Report, 8 Nov 01; Exhibit 8: Observation Report, 5 Dec 01; Exhibit 9: Observation Report, 12 Mar 02; Exhibit 10: Letter from Assistant Principle, 3 May 02; Exhibit 11: Summer School Evaluation, 8 Aug 02; Exhibit 12: Letter from Principle, [REDACTED], 23 May 02; Exhibit 13: Letter from Principle, [REDACTED], 17 Jun 02; Exhibit 14: Letter from Principle, [REDACTED], 26 Jun 02

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

**FINDINGS:** The request was denied.

**ISSUE:** The applicant contends his discharge was inequitable because he was not given proper guidance regarding the rules and standards; the command did not provide proper counseling and rehabilitation opportunities; the misconduct was not so serious that it outweighed his honorable service; and that with only seven months left in his enlistment, the discharge was unfair in light of the minor nature of his misconduct. The records indicated the applicant received a General discharge for misconduct – minor disciplinary infractions. He received one Article 15 for failure to obey a lawful order and a vacation action for failure to obey a lawful general regulation. He also received two letters of reprimand for failure to go, failure to be present for recall, and failure to obey an order. He also received two letters of counseling for failure to go and failure to be present for recalls. He had a verbal counseling for a traffic infraction. After a thorough and complete consideration of the information submitted by the applicant, the applicant's personal testimony, and information contained in the record, the Board concluded there was no indication of any inequity or impropriety associated with his discharge. The facts indicated clearly that the applicant was given ample and appropriate opportunity to change his behavior and conform to the rules and requirements of Air Force service in Panama during that time of high political tension. There was also insufficient mitigation and extenuation to substantiate a change in the character of the 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.

The Board further concludes that given the nature of the situation, the overall quality of applicant's service is accurately reflected by a General discharge.

Attachment:  
Examiner's Brief

**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 90/01/19 UP AFR 39-10, PARA 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 62/05/05. Enlmt Age: 23 11/12. Disch Age: 27 8/12. Educ: HS DIPL. AFQT: N/A. A-86, E-88, G-78, M-93. PAFSC: 25130 - Weather Specialist. DAS: 88/10/03.

b. Prior Sv: (1) AFRes 86/04/23 - 86/10/02 (5 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 86/10/03 for 4 yrs. Svd: 03 Yrs 03 Mo 17 Das, all AMS.

b. Grade Status: AB - 89/07/24 (Article 15, Vacation, 89/11/21)  
A1C - 87/08/03

c. Time Lost: none.

d. Art 15's: (1) 89/11/21, Vacation, Howard AFB, Panama - Article 92. You did, on or about 18 Nov 89, violate a lawful general order, to wit: CINC SOUTHCOM directive on Personal Movement Limitations, dated 25 Oct 89, by wrongfully failing to remain on Howard AFB between the hours of 2300 and 0500 hours. Reduction to AB. (No appeal) (No mitigation)

(2) 89/07/14, Howard AFB, Panama - Article 92. You, having knowledge of a lawful order issued by Col -----, to wit: 4c of HAFB Supplement 1, dated 24 Jun 87, to TAC Regulation 90-1 dated 4 Mar 82, an order which it was your duty to obey, did, on or about 12 Jul 89, fail to obey the same by wrongfully having a visitor in your room outside of visitation hours. Reduction to AB (suspended until 20 Jan 90). Forfeiture of \$50.00 pay per month for 2 months, 30 days restriction, and 30 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 31 MAY 89 - Unavailable for recall, did not keep anyone informed of whereabouts, and did not get sufficient rest.

LOR, 11 MAY 89 - Disobeyed verbal orders.

LOC, 09 MAR 89 - Not available for recalls and did not

inform others of whereabouts.  
 LOC, 2 FEB 89 - Missed dental appointments and due to  
 decreased work performance and attitude.  
 DD FORM 1408, 18 DEC 88 - Traffic violation.

f. CM: none.

g. Record of SV: 86/10/03 - 87/10/02 Langley AFB 9 (Annual)  
 87/10/03 - 88/08/11 Langley AFB 9 (CRO)  
 88/08/12 - 89/05/11 Langley AFB 4 (CRO)

(Discharged from Charleston AFB)

h. Awards & Decs: AFTR, AFGCM, SAFMR.

i. Stmt of Sv: TMS: (03) Yrs (08) Mos (27) Das  
 TAMS: (03) Yrs (03) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/02/12.  
 (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**

1. Three Letters of Apprentice.
2. College Transcript.
3. Letter of Congratulations.
4. Letter from Dean of Business School.
5. Public School Teaching Certificate.
6. Letter of Acceptance.

02/06/05/ia

FD 2002-0077



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 24TH COMPOSITE WING (TAC)  
APO MIAMI 34001-5000

REPLY TO JA  
ATTN OF:

19 Oct 89

SUBJECT: Administrative Discharge Legal Review- AB [REDACTED], FR [REDACTED],  
Det 25, 5 WW

TO: CC

1. I have reviewed the attached discharge package and found it legally sufficient.

2. The respondent is a 27 year old E-1 with three years, two months of active duty service. His enlistment in the Air Force for a term of four years began on 3 Oct 86. He is entitled to wear the Air Force Training Ribbon, the Air Force Good Conduct Medal and the Small Arms Expert Ribbon. He has three APRs written on him with ratings from earliest to latest of 9, 9 & 4.

3. The respondent is being discharged for minor disciplinary infractions. On or about 18 Nov 89, he violated the Command's curfew order for which his previously suspended reduction to the grade of E-1 was vacated. On 12 Jul 89, he violated a lawful order by having a visitor in his barrack's room outside of visitation hours for which he was administered nonjudicial punishment consisting of a suspended reduction to the grade of E-1, a forfeiture of \$80.00 pay per month for two months, a restriction to Albrook AFS for 30 days and 30 days extra duties. On 27 & 28 May 89, he was unavailable for recalls and did not keep anyone aware of his whereabouts for which he received a LOR. On 10 May 89, he disobeyed an order by going into Panama City for which he received a LOR. In February and March 1989 he was not available for recalls and did not inform others of his whereabouts for which he received a LOC. On 25 Oct 88 and 25 Jan 89, he missed dental appointments and decreased in work performance and attitude for which he received a LOC. Finally, on 18 Dec 89, he failed to stop at a stop sign for which he received an oral counseling.

4. The respondent received notice of this action on 6 Dec 89. After consulting with counsel, the respondent elected not to submit any matters for your consideration.

5. Your options in this case are as follows:

a. Disapprove the discharge action and either direct retention, initiate a discharge action under another section of AFR 39-10, or initiate a discharge action for consideration of an under than honorable conditions service characterization;

b. Approve the discharge action and direct that the respondent be processed for discharge under the provisions of AFR 39-10, para 5-46, minor disciplinary infractions, with a general discharge, with or without probation and rehabilitation.

*Readiness is our Profession*

c. Recommend approval to 12 AF/CC of the discharge with a recommendation for an honorable characterization.

6. Recommendation: Based on a review of the file I recommend that you approve this discharge action with a general discharge without probation and rehabilitation. The respondent's numerous, flagrant acts of misconduct display his total disregard for Air Force standards and military authority. Consequently, he should be discharged with no more than a general discharge. Numerous efforts at rehabilitation have been attempted in the past with no positive result. Further rehabilitative efforts and probation would be a waste of Air Force resources and time.

[REDACTED]  
[REDACTED] Capt, USAF  
Acting Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 5TH WEATHER WING (MAC)  
LANGLEY AIR FORCE BASE VA 23865-5524

REPLY TO  
ATTN OF: Det 25, 5 WW

6 DEC 1989

SUBJECT: Letter of Notification

TO: [REDACTED], AB, FR [REDACTED]

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, 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 listed in attachment 1. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the Air Force. 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] Area Defense Counsel, on 6 Dec 89 at 1300L. 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 Dec 89 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 are scheduled for a medical examination on 7 Dec 89. Report to 24th Medical Group, Physical Exams section, NLT 0715.
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 your use in the orderly room.
8. Execute the attached acknowledgement and return it to me immediately.



Commander

Maj, USAF

3 Atch

1. Reasons for Discharge  
and Supporting Documents

- a. AF FM 366,  
dtd 21 Nov 89
- b. AF FM 3070,  
dtd 24 Jul 89
- c. LOR, dtd 31 May 89
- d. LOR, dtd 11 May 89
- e. LOC, dtd 9 Mar 89
- f. LOC, dtd 2 Feb 89
- g. DD FM 1408,  
dtd 18 Dec 88

2. Airman's Receipt of  
Letter of Notification



Attachment 1, Letter of Notification  
Reasons for Discharge

1. On 18 Nov 89, you violated the curfew order for which your previous suspended reduction to E-1 was vacated.
2. On 12 Jul 89, you violated a lawful order by having a visitor in your room outside visitation hours for which you were given an Article 15 action consisting of a suspended reduction to the grade of E-1, a forfeiture of \$50.00 pay per month for two months, a restriction to Albrook AFS for 30 days and 30 days extra duties.
3. On 27 & 28 May 89, you were unavailable for recalls, did not keep anyone informed of your whereabouts and did not get sufficient rest for which you received a LOR.
4. On 10 May 89, you disobeyed verbal orders by going into Panama City for which you received a LOR.
5. In February/March 1989, you were not available for recalls and <sup>did not</sup> inform others of your whereabouts for which you received a LOC.
6. On 25 Oct 88 and 25 Jan 89 you missed dental appointments and due to your decrease in work performance and attitude received a LOC.
7. On 18 Dec 88, you failed to stop at a stop sign for which you received an oral counseling.