

COUNSEL		PERSONAL APPEARANCE	X RECORD REVIEW				
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	
						X	
						X	
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD					
A94.05	A67.10	1	ORDER APPOINTING THE BOARD				
		2	APPLICATION FOR REVIEW OF DISCHARGE				
		3	LETTER OF NOTIFICATION				
HEARING DATE	CASE NUMBER	4	BRIEF OF PERSONNEL FILE				
26 JUL 02	FD2002-0103		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 DISCLOSED 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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.							
		INDORSEMENT			DATE: 26 JUL 02		
TO:		FROM:					
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4740		SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1425 COMBAND DR, 3RD FLOOR					

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0103

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 neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

ISSUE: Applicant contends discharge was inequitable because it was too harsh and that he was to get his life in order and attend school. 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 the applicant received two Article 15's for failing to report back to his duty station and for being absent from his place of duty. In addition, the applicant received one Letter of Reprimand for having an unauthorized visitor in base housing, three Letters of Counseling for cheating on a test, failure to go and being disrespectful to a noncommissioned officer, and two Records of Individual Counseling for dereliction of duty and failure to complete his CDCs. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members and concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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]
[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 98/05/07 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 76/05/30. Enlmt Age: 19 0/12. Disch Age: 21 11/12. Educ:HS DIPL. AFQT: N/A. A-74, E-34, G-42, M-27. PAFSC: 2S051 - Supply Management Journeyman. DAS: 95/12/01.

b. Prior Sv: (1) AFRes 95/06/23 - 95/08/01 (1 month 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 95/08/02 for 4 yrs. Svd: 02 Yrs 09 Mo 06 Das, all AMS.

b. Grade Status: AB - 97/09/19 (Article 15, 97/09/19)
AMN - 98/03/24 (Article 15, 98/03/24)
A1C - 96/12/02
AMN - 96/02/02

c. Time Lost: none.

d. Art 15's: (1) 98/03/24, Robins AFB, GA - Article 91. You, having received a lawful order from SSgt -----, a noncommissioned officer, then known by you to be a superior noncommissioned officer, to report back to your duty station on 6 Mar 98 first thing in the morning, an order it was your duty to obey, did, on or about 6 Mar 98, willfully disobey the same. Reduction to AB. (No appeal) (No mitigation)

(2) 97/09/19, Robins AFB, GA - Article 86. You, did, on or about 5 Sep 97, without authority, absent yourself from your place of duty at which you were required to be, to wit: Bldg 2051, and did so remain absent until on or

- e. Additional: LOC, 15 AUG 97 - Cheating on test.
 LOC, 15 AUG 97 - Failure to go.
 LOC, 15 AUG 97 - Disrepect to a noncommissioned officer.
 RIC, 14 JUL 97 - Dereliction of duty.
 RIC, 09 APR 96 - Failure to complete CDCs.
 LOR, 09 OCT 96 - Unauthorized visitor in housing quarters.
 - f. CM: none.
 - g. Record of SV: 95/08/02 - 97/04/01 Robins AFB 3 (Initial)
 (Discharged from Robins AFB)
 - h. Awards & Decs: AFTR, NDSM, AFOUA.
 - i. Stmt of Sv: TMS: (02) Yrs (10) Mos (15) Das
 TAMS: (02) Yrs (09) Mos (06) Das
4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/06/20.
 (Change Discharge to Honorable)

Issue 1: I'm coming to you all cause I'm trying to get my life in order. By me doing so, I'm trying to get my discharge upgraded reason, so I can attend school and how by getting my G.I. Bill back I can admit I made a few mistakes while I was in the military. I can't change that, but I can improve myself. Just by improving my education. I have changed my life. I a man of God now. A person like you who is trying to improve this world. If its just me changing one person life. I feel like now I am a very good access (sic) to the military. Sir or ma'am, I just want what is best for myself. Their (sic) is a possibility that I can be bring a life into this world. And I want the best life for it. I ask of you to provide me with this upgrade. Thank you.

ATCH

- 1. DD Form 214.

02/06/20/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS WARNER ROBINS AIR LOGISTICS CENTER (AFMC)
ROBINS AIR FORCE BASE GEORGIA

FD 2002-0103

30 April 1998

MEMORANDUM FOR 78 ABW/CC

FROM: WR-ALC/JA

SUBJECT: Legal Review, AFI 36-3208 Administrative Discharge Action
[REDACTED] 93 AGS

- Action:** The proposed discharge of AB [REDACTED] under the provisions of AFI 36-3208, paragraph 5.49, Minor Disciplinary Infractions, has been reviewed and is legally sufficient subject to the inclusion of the discharge physical examination. There is an adequate basis in the current enlistment to support discharge. The Respondent is not entitled to an Administrative Discharge Board. I concur with the commander's recommendations that AB [REDACTED] be separated with a General Discharge without Probation and Rehabilitation.
- Background:** AFI 36-3208, paragraph 5.49 provides for administrative discharge of an enlisted member who has shown a pattern of misconduct consisting solely of minor disciplinary infractions during the current enlistment. AB [REDACTED] misconduct fits this criteria. He has a history which includes failing to go on three separate occasions, failing to pay a debt on two separate occasions, and harassing another person. He received two Article 15s, one Letter of Reprimand, three Letters of Counseling, and two Records of Individual Counseling.
- Personal Data:** AB [REDACTED] is twenty-one years old, with two years and eight months active service. He has been awarded the National Defense Service Medal and the Air Force Training Ribbon. He has received one EPR with an overall rating of 3.
- Evidence for the Respondent:** [REDACTED] was notified on 20 April 1998 of the proposed discharge. He met with the Area Defense Counsel and submitted a statement on his behalf, in which he stated that his acts of misconduct were a series of misunderstandings and minor

Despite [REDACTED] assertions to the contrary, it clearly appears that he is either unable or unwilling to conform to Air Force standards of conduct. The Article 15s, LORs, and LOCs have not prompted [REDACTED] to conform to the appropriate standards of conduct. Based on these numerous rehabilitative measures taken by the Commander in this case and the respondent's failure to improve his conduct, I do not recommend [REDACTED] as a candidate for Probation and Rehabilitation or an honorable discharge.

6. Options for 78 ABW/CC: As the separation authority in this case, you may:

- a. Retain the Respondent if you determine that discharge is not warranted; or,
- b. Discharge the Respondent with a General Discharge, with or without Probation and Rehabilitation; or,
- c. Recommend to the WR-ALC/CC that the Respondent be discharged with an Honorable Discharge, with or without Probation and Rehabilitation; or,
- d. Direct that the notification of discharge be withdrawn and the Respondent be served with notice of proposed discharge Under Other Than Honorable Conditions. This option would entitle the member to have an additional seven days to respond to the discharge action and would entitle him to present his case to an Administrative Discharge Board (Hearing).

7. Recommendation: An administrative discharge is warranted, supported by the evidence and legally sufficient. Discharge based on Minor Disciplinary Infractions is ordinarily characterized as General. Therefore, I recommend [REDACTED] be given a General Discharge without Probation and Rehabilitation. If you concur, you may so indicate by signing the letter at Tab 1.

[REDACTED SIGNATURE]

Colonel,
Staff Judge Advocate



FD 2007-0103

DEPARTMENT OF THE AIR FORCE
93RD AIR CONTROL WING (ACC)
ROBINS AFB GA 31098-2700

20 Apr 98

MEMORANDUM FOR [REDACTED] 93 AGS

FROM: 93 LG/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. 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. You, on or about 6 March 1998, failed to obey the lawful order of a noncommissioned officer. For this, you received an Article 15, Nonjudicial Punishment, Uniform Code of Military Justice (UCMJ), dated 30 March 1998, which was placed in your existing Unfavorable Information File.
 - b. You, on or about 5 September 1997, failed to report to your appointed place of duty at the time prescribed and remained absent until on or about 6 September 1997. Further, you failed to obey a lawful order of a noncommissioned officer. For these, you received an Article 15, Nonjudicial Punishment, Uniform Code of Military Justice (UCMJ), dated 19 September 1997, which was used to create an Unfavorable Information File.
 - c. You, on or about 12 August 1997, cheated on a Chemical Warfare Training Refresher Class test. For this, you received a Letter of Counseling, dated 15 August 1997.
 - d. You, on or about 12 Aug 1997, failed to report to your appointed place of duty at the time prescribed. For this, you received a Letter of Counseling, dated 15 August 1997.
 - e. You, on or about 12 August 1997, showed disrespect to a noncommissioned officer. For this, you received a Letter of Counseling, dated 15 August 1997.
 - f. You, on or about 8 July 1997 and 9 July 1997, failed to perform your duties by not being readily available while on standby status. For this, you received a Record of Individual Counseling

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 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.

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 [redacted], the Area Defense Counsel, ext 6-5852, at building 368, on Tuesday, 21 April 1998, at 0930 hours. You may consult civilian counsel at your 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 Thursday, 23 April 1998, 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 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 physical examination on Wednesday, 22 April 1998, at 0800 hours. You must report to the Physical Exams Section, Building 207. Your follow-up appointment at Family Practice, Building 700, is at 0820 hours. You must be in uniform and have your medical records with you.

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 at the Area Defense Counsel or your unit orderly room.

[redacted signature]
Colonel, USAF
Commander, 93d Logistics Group

Attachments:

1. Supporting Documents
 - a. Art 15, 30 Mar 98
 - b. Art 15, 19 Sep 97
 - c. LOC, 15 Aug 97
 - d. LOC, 15 Aug 97
 - e. LOC, 15 Aug 97
 - f. RIC, 14 Jul 97
 - g. RIC, 9 Apr 97
 - h. I.O.R 9 Oct 96