

TYPE GEN		PERSONAL APPEARANCE		X RECORD REVIEW	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL.	
YES	NO				
	X				
MEMBERS SITTING				VOICE OF THE BOARD	
				HON	GEN
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES A92.15, A92.37, A93.33		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD	
				1	ORDER APPOINTING THE BOARD
				2	APPLICATION FOR REVIEW OF DISCHARGE
				3	LETTER OF NOTIFICATION
HEARING DATE 02-08-27		CASE NUMBER FD2002-0111		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 Washington, D.C. Advise applicant of the decision of the Board and the right to a personal appearance with/without counsel. DD Form 149 submitted. The case will be forwarded to the AFBCMR for further processing.					
SIGNATURE OF RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INDORSEMENT				DATE: 02-08-27	
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			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0111

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 misconduct, conduct prejudicial to good order and discipline. He had two Articles 15. His misconduct included two incidents of being absent without leave (AWOL), the first time for 2 days and the second time for 4 days. For the first incident, state police had to be sent to member's family home to notify him to return to military custody. When he left again 10 months later, he obtained civilian employment and had no intention of returning to military custody. Member was recommended for an Under Other Than Honorable Conditions (UOTHC) discharge and exercised his right to an administrative board hearing which rendered him an under honorable conditions (general) discharge, pursuant to his request. Applicant contends now as he did at the time of his discharge that he was mistreated and harassed by his co-workers in the Security Forces unit and that his chain of command took insufficient action to correct the problems, which led to his decisions to go AWOL. The record reflected member was a Security Forces Apprentice who was promoted and selected for the Elite Gate Guard after his first AWOL, indicating he was a good performer and was given the chance to succeed by his chain of command. The record also indicates member was of slight build and stature, and his complaints of physical harassment were reviewed in a commander-directed inquiry but found to be without merit. While in casual status working in another unit on base awaiting the discharge board, member performed well. While the Board finds there possibly were mitigating circumstances, the Board cannot condone member's very serious repeated misconduct. His conduct was a significant departure from the standards expected of airmen. No inequity or impropriety was found in this discharge in the course of the records review.

If the applicant can provide additional information about his discharge, and documented evidence to substantiate his issues, he should consider exercising his right to a personal appearance hearing, and be prepared to present the Board with evidence of an inequity or impropriety as well as any exemplary post-service accomplishments and contributions to the community.

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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/09/05 UP AFI 36-3208, para 5.50.2 (Misconduct - Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 80/11/27. Enlmt Age: 17 10/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-60, E-61, G-48, M-40. PAFSC: 3P031 - Security Forces Apprentice. DAS: 00/03/30.

b. Prior Sv: (1) AFRes 98/10/05 - 99/09/27 (11 months 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 99/09/28 for 6 yrs. Svd: 01 Yrs 11 Mo 09 Das, of which AMS is 1 yr 11 months 6 days (excludes 3 days lost time).

b. Grade Status: AB - 01/04/24 (Article 15, 01/04/24)
A1C - 99/11/12

c. Time Lost: 01/04/09-01/04/10; 01/06/14-01/06/14 (3 days).

d. Art 15's: (1) 01/04/24, Wright-Patterson AFB, OH - Article 86. You did, on or about 7 Apr 01, without authority, absent yourself from your place of duty at which you were required to be, and did remain absent until on or about 10 Apr 01. Reduction to AB. (No appeal) (No mitigation)

(2) 00/07/06, Wright-Patterson AFB, OH - Article 86. You did, on or about 15 Jun 00, without authority, absent yourself from your place of duty, and did remain so absent until your return on or about 16 Jun 00. Reduction to Amn (suspended until 5 Jan 01), and 14 days restriction. (No appeal) (No mitigation)

e. Additional: none.

f. CM: none.

g. Record of SV: none.

(Discharged from Wright-Patterson AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (10) Mos (28) Das
TAMS: (01) Yrs (11) Mos (06) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/03/25.
(Change Discharge to Honorable)

Issue 1: I was constantly mistreated at work. One example would be one night on the flight line while doing my duties I was assaulted. Three guys much larger than me held me down and started punching me. They thought it was funny because I was so small and could not defend myself. When brought up to squadron leadership, everyone took this as a joke. The harrassment kept continuing until I didn't show up for work one day. I was contacted in Michigan on the second day and I returned six months later, roughly. I was discharged.

ATCH

1. DD Form 149.

02/06/24/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 88TH AIR BASE WING (AFMC)
WRIGHT-PATTERSON AIR FORCE BASE OHIO

FD2002-0111

AUG 28 2001

MEMORANDUM FOR 88 ABW/CC

FROM: 88 ABW/JA

SUBJECT: Legal Review - Administrative Discharge Under AFI 36-3208, Paragraph 5.50.2, [REDACTED] 88 SF

1. I reviewed and found legally sufficient the attached AFI 36-3208 discharge package, contingent upon the inclusion of a medical report clearing the respondent for separation. The respondent was advised of his right to consult with legal counsel and to submit matters for your consideration prior to action. The respondent was entitled and elected an Administrative Discharge Board hearing. The Board found that on 15 June 2000, and 7 - 10 April 2001, [REDACTED] was absent without leave (AWOL) from Wright-Patterson Air Force Base, and recommended a general discharge with no probation and rehabilitation. [REDACTED] is eligible for separation according to AFI 36-3208, paragraph 5.50.2, Misconduct - Pattern of Misconduct (Conduct Prejudicial to Good Order and Discipline). I recommend the respondent be separated from the Air Force with an under honorable conditions (general) discharge.

2. BACKGROUND: 88 SF/CC recommends that [REDACTED] be separated according to AFI 36-3208, paragraph 5.50.2, Misconduct - Pattern of Misconduct (Conduct Prejudicial to Good Order and Discipline). The reasons supporting this recommendation are set forth below and the documentary evidence is contained at tab 3 (atch 1):

a. On 15 June 2000, [REDACTED] was absent from Wright-Patterson Air Force Base without leave until his return on 16 June 2000. Instead, he was at his parent's house in Michigan with the expressed intention that he was never going to return and that he was trying to get discharged from the Air Force. For this misconduct he received nonjudicial punishment of suspended reduction to the grade of airman and restriction to Wright-Patterson Air Force Base for 14 days.

b. On 7 April 2001, he was absent from Wright-Patterson Air Force Base without leave until his return on 10 April 2001. Instead, he was working a job in Michigan with the expressed intention that he never wanted to return to Wright-Patterson Air Force Base. For this misconduct he received nonjudicial punishment of reduction to the grade of airman basic.

3. ANALYSIS:

a. A discharge for conduct prejudicial to good order and discipline includes conduct of a nature that tends to disrupt order, discipline, or morale within the military community as well as conduct that tends to bring discredit on the Air Force in the view of the civilian community. The misconduct usually involves causing dissent, disruption, and degradation of mission effectiveness. The conduct of ██████████ by his two willful AWOLs, tends to bring discredit on the Air Force in the view of the civilian community and can disrupt order and discipline within the military. These facts establish a basis for discharge for conduct prejudicial to good order and discipline. Therefore, upon consideration of the above information, the recommendation of the Board, and in accordance with AFI 36-3208, Chapter 5, the immediate separation of ██████████ is in the best interest of the Air Force.

b. If you determine that the allegations against the respondent support discharge and that AB ██████████ should be discharged, you must decide whether or not his discharge should be suspended for a period of probation and rehabilitation (P&R). P&R is appropriate when it appears that the affected airman can change his pattern of behavior and when retention on active duty in a probationary status is consistent with the maintenance of good order and discipline in the Air Force. In support of the recommendation to deny P&R, 88 SF/CC advised that prior to recommending this discharge, ██████████ received an Article 15 and was counseled after his first AWOL about the consequences of his actions and subsequently committed the same offense again. The Board recommended that P&R not be offered and I concur.

c. If you determine that the respondent should be discharged, you must also determine how to characterize the respondent's service during his current enlistment. Pursuant to AFI 36-3208, paragraph 5.48, the service of an airman discharged under paragraph 5.50.2, Pattern of Misconduct (Conduct Prejudicial to Good Order and Discipline), shall be characterized pursuant to Chapter 1, Section B. According to paragraph 1.18 of that section, an airman's service should be characterized as under honorable conditions (general) when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record. In determining the appropriate characterization, the reasons for discharge should be viewed in the context of the current period of enlistment. Here, despite rehabilitative efforts, AB ██████████ has continually failed to conform his conduct to Air Force standards. Instead his service includes serious misconduct of going AWOL on two separate occasions. These significant negative aspects outweigh the positive aspects of his record. Therefore, it is recommended that AB ██████████ service be characterized as under honorable conditions (general).

d. The respondent has submitted matters in response to this discharge action, which are contained in the attached Summarized Record of Board Proceedings.

4. 88 ABW/CC OPTIONS: As separation authority you are empowered to:


a. Retain the respondent;

b. Discharge the respondent for Misconduct - Pattern of Misconduct (Conduct Prejudicial to Good Order and Discipline) (AFI 36-3208, paragraph 5.50.2), with an under honorable conditions (general) discharge, with or without P&R;


c. Refer this case to ASC/CC with a recommendation that the respondent be discharged with an honorable discharge. Under AFI 36-3208, paragraph 5.48.4, the general court-martial convening authority must approve an honorable service characterization when the basis of the discharge is under AFI 36-3208, Section H, Misconduct. The discharge basis in this case is paragraph 5.50.2, a paragraph falling under Section H; or

d. Return the package to the unit for further processing.

5. RECOMMENDATION: I recommend that the respondent be separated from the Air Force with an under honorable conditions (general) discharge under AFI 36-3208, Chapter 5, Section H, paragraph 5.50.2, Misconduct - Pattern of Misconduct (Conduct Prejudicial to Good Order and Discipline). If you concur, please sign the attached letter at tab 1.


Captain, USAF
Assistant Staff Judge Advocate

I concur.


Colonel, USAF
Staff Judge Advocate