

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 1.2em; margin-top: 5px;"></div>		GRADE A1C	AFSN/SSAN <div style="background-color: black; width: 80px; height: 1.2em; margin-top: 5px;"></div>			
TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL YES NO YES NO X		NAME OF COUNSEL AND OR ORGANIZATION				
		ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A94.53, A92.37, A67.01		INDEX NUMBER A67.10				
HEARING DATE 02-08-13		CASE NUMBER FD2002-0121				
		EXHIBITS SUBMITTED TO THE BOARD				
		1 ORDER APPOINTING THE BOARD				
		2 APPLICATION FOR REVIEW OF DISCHARGE				
		3 LETTER OF NOTIFICATION				
		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, The right to submit an application to the AFBCMR.						
SIGNATURE OF RECORDER <div style="background-color: black; width: 150px; height: 40px; margin-top: 10px;"></div>		SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 150px; height: 40px; margin-top: 10px;"></div>				
INDORSEMENT		DATE: 02-08-13				
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

FD2002-0121

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for minor disciplinary infractions. He had three verbal counselings, three Records of Individual Counseling, an Article 15, and vacation of suspended punishment. His misconduct included smoking in the dormitory in violation of base regulations, failure to return to class after lunch on multiple occasions, failure to bring his homework to class as directed on several occasions, dress and appearance violations, failure to have his military identification card and technical training "phase" card in his possession as required, failure to have his technical order materials available in order to perform his assigned duties, wrongfully entering the base lodging facilities, wrongfully appropriating the use of a lodging room for several days without proper payment, and drinking on base while under the legally allowed age. Member was also washed back in technical training due to a block test failure, and had no Enlisted Performance Reports during his period of service. At the time of the discharge, member submitted a statement on his own behalf, admitting his mistakes, and requesting to be retained. Applicant now also concedes he was "given proper punishment" and has learned from his actions. At the time of the discharge, applicant did not attempt to establish his innocence, and he brings no issues to the Board now. The Board noted member was responsible for his actions of misconduct, counseled and given the opportunity to improve his behavior but failed to respond to those rehabilitative efforts. No inequity or impropriety was found in this 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
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/04/17 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 81/07/25. Enlmt Age: 17 0/12. Disch Age: 18 8/12. Educ:HS DIPL. AFQT: N/A. A-72, E-64, G-52, M-65. PAFSC: 2A313B - Tactical Aircraft Maintenance Helper. DAS: 99/10/18.

b. Prior Sv: (1) AFRes 98/07/31 - 98/08/17 (17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 99/08/18 for 6 yrs. Svd: 00 Yrs 08 Mo 00 Das, all AMS.

b. Grade Status: none.

c. Time Lost: none.

d. Art 15's: (1) 00/03/10, Vacation, Sheppard AFB, TX - Article 92. You did, on or about 28 Feb 00, violate a lawful general instruction, to wit: para 2.1.11., Sheppard AFBI 36-2902, dated 15 Oct 97, by wrongfully consuming alcoholic beverages while under the legal drinking age of 21. Forfeiture of \$479.00 pay. (No appeal) (No mitigation)

(2) 00/02/24, Sheppard AFB, TX - Article 92. You did, between on or about 14 Jan 00 and on or about 22 Jan 00, violate a lawful general instruction, to wit: Paragraph 2.1.8., Sheppard AFBI 36-2902, dated 15 Oct 97, by wrongfully entering the Sheppard Inn. Article 121. You did, between on or about 18 Jan 00 and on or about 22 Jan 00, wrongfully appropriate, the Sheppard Inn, building 633, room 7145, of a value of less than \$100.00, the property of the United States Air Force. Forfeiture of \$479.00 pay (suspended until 23 Aug 00), 30 days correctional custody, and a reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 15 FEB 00 - Dereliction of duty.

RIC, 06 DEC 99 - Dereliction of duty.

RIC, 06 DEC 99 - Violation of AFI 36-2903, showing up for work not cleanly shaven and not having

proper insignia sewn on jacket.

f. CM: none.

g. Record of SV: none.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (08) Mos (17) Das
TAMS: (00) Yrs (08) Mos (00) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/01/15.
(Change Discharge to Honorable)

Issue 1: I feel that I was given proper punishment for my actions, but I also feel that I have learned from my actions. I feel that if my discharged (sic) is changed then I can repay my debts to this country and myself. I do realize that I ruined my first initial chance and want just one more chance to provide my services. If given this I guarantee satisfaction and no regrets.

ATCH

1. Congressional Correspondence.

02/06/28/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2007-0121

10 Apr 00

MEMORANDUM FOR [REDACTED]

FROM: 82 TRW/JAC

SUBJECT: Legal Review, Recommendation for Discharge [REDACTED]
[REDACTED]

1. We have reviewed this discharge case file and find it legally sufficient to support discharge in accordance with the provisions of AFI 36-3208. Based upon our review, we conclude that the incidents documented within this file sufficiently support [REDACTED]' discharge from the Air Force. We concur with the 362 TRS/CCQ that [REDACTED] should be discharged for his misconduct and that his service should be characterized as an under honorable conditions (general) discharge in accordance with AFI 36-3208, paragraph 5.49 (minor disciplinary infractions).

2. Basis for Action. On 27 Mar 00, the 362 TRS/CCQ notified [REDACTED] that she was recommending that [REDACTED] be discharged from the service due to his misconduct. The basis for this action is the squadron section commander's administrative determination that the respondent has committed a series of minor disciplinary infractions.

3. Evidence for Commander. The preponderance of the evidence in the case file supporting the squadron section commander's recommendation consists of the following:

a. The respondent did, at or near Sheppard AFB TX, on or about 28 Feb 00, violate a lawful general instruction, to wit: Paragraph 2.1.11., SAFBI 36-2902, dated 15 Oct 97, by wrongfully consuming alcoholic beverages under the legal drinking age of 21. For this misconduct, the respondent's suspended non-judicial punishment was vacated.

b. The respondent, knew or should have known of his duties at or near Sheppard AFB TX, on or about 14 Feb 00, was derelict in the performance of those duties, by failing to bring his assigned homework to class as it was his duty to do. For this misconduct, the respondent received an AF 174 on 16 Feb 00.

c. The respondent did, at or near Sheppard AFB TX, between on or about 18 Jan 00 and on or about 22 Jan 00, wrongfully appropriate the Sheppard Inn, Bldg 633, room 7145, of a value of less than \$100.00, the property of the USAF. For this misconduct and subparagraph "d" below, the respondent received an Article 15 on 24 Feb 00.

d. The respondent did, at or near Sheppard AFB TX, between on or about 14 Jan 00 and on or about 22 Jan 00, violate a lawful general instruction, to wit: Paragraph 2.1.8., SAFBI 36-2902, dated 15 Oct 97, by wrongfully entering the Sheppard Inn.

e. The respondent, knew or should have known of his duties at or near Sheppard AFB TX, on or about 10 Feb 00, was derelict in the performance of those duties, by failing to have the materials he was given to properly maintain the technical orders, as it was his duty to do. For this misconduct, he received an AF Form 174 on 10 Feb 00.

f. The respondent did, at or near Sheppard AFB TX, on or about 6 Dec 99, violate a lawful general instruction, to wit: AFI 36-2903, by reporting to work not cleanly shaven and not having the proper insignia sewn on his jacket. For this misconduct, he received an AF Form 174 on 6 Dec 00.

g. The respondent, knew or should have known of his duties at or near Sheppard AFB TX, on or about 22 Nov 99, was derelict in the performance of those duties, by being late returning to class as it was his duty not to do. For this misconduct, he received a Letter of Counseling on 22 Nov 99.

h. The respondent did, at or near Sheppard AFB TX, on or about 26 Oct 99, violate a lawful general instruction, to wit: Paragraph 2.1.12., SAFBI 36-2902, dated 15 Oct 97, by smoking in the dormitory. For this misconduct, he received an AF Form 174 on 2 Nov 99.

4. Additional Information. The respondent is 18 years old, began his present enlistment on 18 Aug 99, and was assigned to his unit on 4 Oct 99. His ASVAB scores are average. The respondent is entitled to wear the Air Force Training Ribbon. He has consulted counsel and has attached statements for your consideration.

5. In accordance with AFI 36-3208, your options are to:

- a. Direct ~~retention~~ retention;
- b. Suspend an under honorable conditions (general) discharge and recommend Probation and Rehabilitation;
- c. Direct his discharge with an under honorable conditions (general) discharge; or
- d. Recommend that ~~he~~ be discharged with an honorable discharge. If you determine an honorable discharge is appropriate, this file must be forwarded to 2 AF/CC since only a General Court-Martial Convening Authority may approve an honorable discharge characterization when the basis for discharge is misconduct (AFI 36-3208, paragraph 5.48.4).

6. If you have any questions, please contact our office at ext 6-2312.



Attachment:
Case File



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2002-0121

27 Mar 2000

MEMORANDUM FOR AIC [REDACTED]

FROM: 362 TRS/CCQ
527 G AVE
SHEPPARD AFB TX 76311-2835

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 under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You did, at or near Sheppard AFB TX, on or about 28 Feb 00, violate a lawful general instruction, to wit: paragraph 2.1.11, SAFBI 36-2902, dated 15 Oct 97, by wrongfully consuming alcoholic beverages while under the legal drinking age of 21. For this infraction, your suspended nonjudicial punishment was vacated.

b. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 14 Feb 00, were derelict in the performance of those duties by failing to bring your assigned homework to class as it was your duty to do. For this infraction, you received an AF Form 174, Record of Individual Counseling, on 16 Feb 00.

c. You did, at or near Sheppard AFB TX, between on or about 18 Jan 00 and on or about 22 Jan 00, wrongfully appropriate, the Sheppard Inn, building 633, room 7145, of a value of less than \$100.00, the property of the United States Air Force. For this infraction and subparagraph "d" below, you received an Article 15 on 24 Feb 00.

d. You did, at or near Sheppard AFB TX, between on or about 14 Jan 00 and on or about 22 Jan 00, violate a lawful general instruction, to wit: paragraph 2.1.8, SAFBI 36-2902, dated 15 Oct 97, by wrongfully entering the Sheppard Inn.

e. You, who knew or should have know of your duties at or near Sheppard AFB TX, on or about 10 Feb 00, were derelict in the performance of those duties by failing to have the materials you were given to properly maintain our Technical Orders as it was you duty to do. For this infraction, you received an AF Form 174 on 10 Feb 00.

f. You did, at or near Sheppard AFB TX, on or about 6 Dec 99, violate a general lawful instruction, to wit: AFI 36-2903, by reporting to work not cleanly shaven and not having the

proper insignia sewn on your jacket. For this infraction, you received an AF Form 174 on 6 Dec 99.

g. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 22 Nov 99, were derelict in the performance of those duties by being late returning to class as it was your duty not to do. For this infraction, you received a Letter of Counseling (LOC) on 22 Nov 99.

h. You did, at or near Sheppard AFB TX, on or about 26 Oct 99, violate a lawful general instruction, to wit: paragraph 2.1.12, SAFBI 36-2902, dated 15 Oct 97, by smoking in the dormitory. For this infraction, you received an AF Form 174 on 2 Nov 99.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court Martial jurisdiction or 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 will probably be denied enlistment in any component of the armed forces.

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 [REDACTED], Area Defense Counsel, at Bldg 1638, room 110, on 30 Mar 2000 at 1530 hours. 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 30 Mar 2000, unless you request and receive an extension for good cause shown. I will send them to 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 were scheduled for a physical examination on 30 Mar 2000.

7. 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 362 TRS/Commanders Support Staff office.

8. Execute the attached acknowledgment and return it to me immediately.


Squadron Section Commander
362d Training Squadron

Attachments: (listed on next page)