

PERSONAL APPEARANCE		X RECORD REVIEW							
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL					
YES	NO								
	X								
MEMBERS SITTING				VOTE OF THE BOARD					
				HON	GEN	UOHC	OTHER	DENY	
									X
									X
									X
									X
ISSUES A93.01		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 23 AUG 02		CASE NUMBER FD2002-0135		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, the right to a personal appearance, and the right to submit an application to the AFBCMR.									
SIGNATURE OF RECORDER				SIGNATURE OF BOARD PRESIDENT					
INDORSEMENT				DATE: 23 AUG 02					
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

FD02-0135

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: The applicant does not contest the discharge. He states that his behavior was due to his age and maturity. 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 an Article 15 and a Vacation action on a suspended non-judicial punishment for negligently failing to maintain automobile insurance while on an Air Force installation, possessing alcoholic beverages in the dormitory while under the age of 21 and for possessing an unauthorized weapon in the dorm. The applicant also received three Letters of Reprimand for failure to go, and one Record of Individual Counseling for failure to go. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The DRB recognized the applicant was 20 years of age when the discharge took place. However, there is no evidence of record to indicate he was immature or did not know right from wrong. The Board opined the applicant was as old as the vast majority of first term members who properly adhere to the Air Force standards of conduct. The Board concluded this issue was without merit. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/11/28 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 79/12/24. Enlmt Age: 17 8/12. Disch Age: 20 11/12. Educ:HS DIPL. AFQT: N/A. A-79, E-67, G-50, M-58. PAFSC: 2S051 - Supply Management Journeyman. DAS: 99/04/09.

b. Prior Sv: (1) AFRes 97/09/12 - 98/06/16 (9 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as 98/06/17 for 4 yrs. Svd: 02 Yrs 05 Mo 12 Das, all AMS.

b. Grade Status: AMN - 00/07/14 (Article 15, Vacation, 00/08/23)
A1C - 99/10/17
AMN - (EPR Indicates): 98/06/17-00/02/16

c. Time Lost: none.

d. Art 15's: (1) 00/08/23, Vacation, Offutt AFB, NE - Article 92. You, who should have known of your duties, on or about 7 Aug 00, were derelict in the performance of those duties in that you negligently failed to maintain your automobile insurance while on Offutt AFB, as it was your duty to do. Reduction to Amn. (No appeal) (No mitigation)

(2) 00/07/14, Offutt AFB, NE - Article 92. You, who knew of your duties, on or about 18 Jun 00, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcoholic beverages in the dormitory while under the age of 21, as it was your duty to do. You, who knew of your duties, on or about 18 Jun 00, were derelict in the performance of those duties in that you willfully failed to refrain from possessing an unauthorized weapon in your dormitory, as it was your duty to do. Forfeiture of \$100.00 pay per month for 2 months. Reduction to Amn (suspended until 13 Jan 01). (No appeal) (No mitigation)

e. Additional: LOR, 21 FEB 00 - Failure to go.
RIC, 20 JUN 00 - Failure to go.

LOR, 14 JUL 00 - Failure to go.
 LOR, 17 OCT 00 - Failure to go.

f. CM: none.

g. Record of SV: 98/06/17 - 00/12/16 Offutt AFB 4 (Initial)

(Discharged from Offutt AFB)

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

i. Stmt of Sv: TMS: (03) Yrs (02) Mos (17) Das
 TAMS: (02) Yrs (05) Mos (12) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/03/06.
 (Change Discharge to Honorable)

Issue 1: I am applying for an upgrade of my discharge from General to Honorable. I have been striving for the past year and a half to better my life and find some success in the world since my discharge in late November of 2000.

As of now, I am working two jobs to speed up the process of paying off some bills that I have. Both of these jobs are located in the Boise Airport. The first is for -----, who is currently in charge of security at the Boise Airport. This job has the potential of becoming a decent career for me since it will be turning into a Federal job in November of this year. Yet I fear that my General discharge may hold me back from transferring over to a Federal employee along with my coworkers.

My second job is a part-time position at -----. I took this job because I knew from prior experience that they would be flexible with the hours that I could work for them, and would be able to work around the schedule for my other job.

I realize that my behavior and actions while in the service at Offutt AFB were unacceptable and even childish. Yet since then I have grown as an individual and have strived hard to succeed in the areas that I was lacking. I now have the hopes and dreams of doing something positive with my life, and building a future for myself. A realization that I wish I would have made years ago.

I know now what is expected of me as an individual and a citizen, and only hope that through my hard work and effort I can rebuild my life and become a better person for it. The upgrade of my discharge will be the first of many large steps I will have to take in life, and will help insure me a promising future.

Please take into consideration my hard work and perseverance since the time of my discharge and help me begin to build a bright future for myself.

FD2002-0135

ATCH

1. Letter to Discharge Review Board.

02/07/09/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 55TH WING (ACC)
OFFUTT AIR FORCE BASE, NEBRASKA

MEMORANDUM FOR 55 WG/CC

21 NOV 2000

FROM: 55 WG/JA

SUBJECT: Legal Review: Administrative Discharge Action--Amn [REDACTED]
[REDACTED] 55 SUPS (ACC)

1. **INITIATION OF ACTION:** On 6 November 2000, 55 SUPS/CC notified [REDACTED] that he was recommending his discharge for Misconduct--Pattern of Misconduct pursuant to AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. The commander further recommended Amn [REDACTED] receive a general discharge without probation and rehabilitation (P&R).

2. **RESPONDENT:** The respondent is a twenty year old Mobility Element Apprentice. He has completed two years and four months of his four year enlistment (Date Enlisted: 17 June 1998) and was assigned to his unit on 9 April 1999. This is his first enlistment.

3. **REASONS FOR DISCHARGE:**

a. On 21 February 2000, the respondent was late for work. For this incident he received a Letter of Reprimand dated 9 March 2000.

b. On 15 June 2000 and on 16 June 2000, the respondent was late for work. For these incidents he received a Record of Individual Counseling dated 20 June 2000.

c. On 14 July 2000, the respondent was late for work. For this incident he received a Letter of Reprimand dated 14 July 2000.

d. On 18 June 2000, the respondent possessed alcoholic beverages while under the age of 21.

e. On 18 June 2000, the respondent possessed an unauthorized weapon (a paintball gun) in his dormitory room.

For the incidents listed in paragraphs d and e the respondent received Nonjudicial Punishment dated 14 July 2000, consisting of forfeiture of \$100.00 pay per month for 2 months and reduction to the grade of Airman suspended through 13 January 2001.

f. On 7 August 2000, the respondent failed to maintain his automobile insurance. For this incident he received Vacation of Suspended Nonjudicial Punishment dated 23 August 2000, consisting of reduction to the grade of Airman, with a new date of rank of 14 July 2000.

g. On 16 October 2000, the respondent was late for work.

h. On 17 October 2000, the respondent was late for work.

For the incidents listed in paragraphs g and h the respondent received a Letter of Reprimand dated 17 October 2000.

4. **RESPONDENT'S SUBMISSION:** By letter dated 5 April 2000, the respondent consulted with counsel, and submitted a statement. In his statement, Amn [REDACTED] asks to be retained in the Air Force or to be given a period of Probation and Rehabilitation.

5. **ERRORS AND IRREGULARITIES:** None.

6. **DISCUSSION:**

a. **Basis for Discharge:** Under AFI 36-3208, paragraph 5.50.2., airmen are subject to discharge for a pattern of misconduct which is prejudicial to good order and discipline. This includes conduct of a nature that tends to disrupt order, discipline, or morale within the military community. The misconduct usually involves causing dissent, disruption, and degradation of mission effectiveness. In this case, the respondent's eight incidents of misconduct provide a sufficient basis for discharge.

b. **Appropriateness of Discharge:** The respondent has committed a number of offenses during his time in the Air Force for which he has received one Record of Individual Counseling, three Letters of Reprimand, Nonjudicial Punishment, and Vacation of Suspended Nonjudicial Punishment. His misconduct is not consistent with good order and discipline, and is detrimental to morale. Therefore, discharge is appropriate.

c. **Characterization of Service:** Table 1.3 to AFI 36-3208 provides that discharges for Misconduct--Pattern of Misconduct may be characterized as honorable, general, or under other than honorable conditions. A general discharge is appropriate when significant negative aspects of an airman's conduct or duty performance outweigh positive aspects of the airman's military record. The respondent's eight incidents of misconduct clearly outweigh the positive aspects of his military career. Accordingly, a general discharge is appropriate.


d. **Probation & Rehabilitation:** The respondent is eligible for P&R under AFI 36-3208, Chapter 7. The initiating commander does not recommend P&R. While most of his misconduct centers around being late for work, he has also received Nonjudicial Punishment for possessing alcoholic beverages under the age of 21 and possessing an unauthorized weapon in his dormitory room. If the only issue was his lateness for work, then P&R might be considered. However, given the respondent's actions, it appears that he is unable or unwilling to adhere to Air Force standards of conduct. An additional opportunity for rehabilitation through P&R is not warranted.

e. **Legal Sufficiency:** This action is legally sufficient.

7. **OPTIONS:** As the special court-martial convening authority, you may:

- a. Retain the respondent;
- b. Approve discharge with a general discharge with, or without, P&R;
- c. Return the file to the unit with a recommendation that the respondent be processed for discharge with an under other than honorable conditions discharge; or
- d. Forward the file to the general court-martial convening authority with a recommendation for an honorable discharge with, or without, P&R.

8. **RECOMMENDATION:** I recommend the respondent be discharged with a general discharge without P&R, and, due to the nature of his discharge, he be barred from Offutt Air Force Base for a period of one year from the date of his discharge.


Major, USAF
Acting Staff Judge Advocate

PD 2002-0135



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 55TH WING (ACC)
OFFUTT AIR FORCE BASE, NEBRASKA

6 Nov 00

MEMORANDUM FOR AMN [REDACTED]

FROM: 55 SUPS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct--Pattern of Misconduct. The authority for my recommendation is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. 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. On or about 21 February 2000, without authority, you failed to go to your appointed place of duty at the time prescribed. For this incident you received a Letter of Reprimand dated 9 March 2000. (Atch 1-1)

b. On or about 15 June 2000 and on or about 16 June 2000, without authority, you failed to go to your appointed place of duty at the time prescribed. For this incident you received a Record of Individual Counseling dated 20 June 2000. (Atch 1-2)

c. On or about 14 July 2000, without authority, you failed to go to your appointed place of duty at the time prescribed. For this incident you received a Letter of Reprimand dated 14 July 2000. (Atch 1-3)

d. You, who knew of your duties at or near Offutt Air Force Base, Nebraska, on or about 18 June 2000, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcoholic beverages in the dormitory while under the age of 21, as it was your duty to do.

e. You, who knew of your duties at or near Offutt Air Force Base, Nebraska, on or about 18 June 2000, were derelict in the performance of those duties in that you willfully failed to refrain from possessing an unauthorized weapon in your dormitory, as it was your duty to do.

For the incidents listed in paragraphs d and e you received Nonjudicial Punishment dated 14 July 2000, consisting of forfeiture of \$100.00 pay per month for 2 months and reduction to the grade of Airman suspended through 13 January 2001. (Atch 1-4)

f. You, who should have known of your duties at or near Offutt Air Force Base, Nebraska, on or about 7 August 2000, were derelict in the performance of those duties in that you negligently failed to maintain your automobile insurance while on Offutt Air Force Base, as it was your duty to do. For this incident you received Vacation of Suspended Nonjudicial Punishment dated 23 August 2000, consisting of reduction to the grade of Airman, with a new date of rank of 14 July 2000. (Atch 1-5)

g. On or about 16 October 2000, without authority, you failed to go at the time prescribed to your appointed place of duty.

h. On or about 17 October 2000, without authority, you failed to go at the time prescribed to your appointed place of duty.

For the incidents listed in paragraphs g and h you received a Letter of Reprimand dated 17 October 2000. (Atch 1-6)

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 jurisdiction or a 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 and probably any other branch of the military.

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] Bldg 323C, RM 302, Phone 4-3939, at 1030 on 6 Nov 00. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 9 Nov 00 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 on your own behalf, your failure will constitute a waiver of your right to do so.

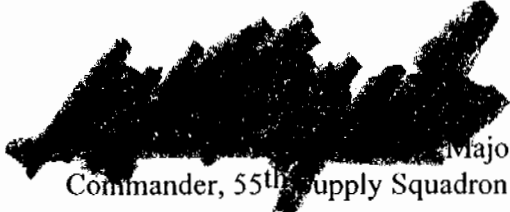
7. You have been scheduled for a medical examination. You must report to the 55th Medical Group, Physical Exams, Room 115, Building 527 (Fairchild Hall) at 1300 on 7 Nov 00 for the examination. Please pick up your medical records 24 hours prior to your appointment.

8. You have been scheduled for an initial separation appointment. You must report to the 55th Mission Support Squadron, Separations and Retirements Section, Room 235, Bldg 323C, at 1000 on 7 Nov 00 with your escort.

9. You have been scheduled for a pre-separation briefing. You must report to the Family Support Center at 1530 on 13 Nov 00 for the briefing.

10. 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 unit orderly room.

11. Execute the acknowledgment provided and return it to me immediately.


Major, USAF
Commander, 55th Supply Squadron

Attachments:

- Atch 1-1; Letter of Reprimand dated 9 Mar 00
- Atch 1-2; Record of Individual Counseling dated 20 Jun 00
- Atch 1-3; Letter of Reprimand dated 14 Jul 00
- Atch 1-4; Nonjudicial Punishment dated 14 Jul 00
- Atch 1-5; Vacation of Suspended Nonjudicial Punishment dated 23 Aug 00
- Atch 1-6; Letter of Reprimand dated 17 Oct 00