

TYPE		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	UOTHC	OTHER	DENY
									X
									X
									X
									X
									X
ISSUES		INDEX NUMBER			EXHIBITS SUBMITTED TO THE BOARD				
A95.00		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		FD2002-0139				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 with/without counsel, and the right to submit an application to the AFBCMR.									
INDORSEMENT					DATE: 26 JUL 02				
TO: SAF/MTRR					FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0139

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. 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 applicant received three Records of Individual Counseling for being financially delinquent, late to work and missed appointments, and reckless driving. In addition, he also received a letter from the First Sgt for failure to pay just debts, a DECA Form for writing a bad check, and a Memo For Record for a DUI offense. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. If the applicant can provide additional documented information to substantiate his case, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the Board with factual evidence of the inequity and any exemplary post-service accomplishments as well as any 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.

DEPARTMENT OF THE AIR FORCE
 AIR FORCE DISCHARGE REVIEW BOARD
 ANDREWS AFB, MD

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 94/03/18 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 71/03/22. Enlmt Age: 19 2/12. Disch Age: 22 11/12. Educ:HS DIPL. AFQT: N/A. A-61, E-49, G-39, M-79. PAFSC: 2A551K - Aerospace Maintenance Journeyman. DAS: 91/02/05.

b. Prior Sv: (1) AFRes 90/06/13 - 90/07/25 (1 month 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 90/07/26 for 4 yrs. Svd: 03 Yrs 07 Mo 23 Das, all AMS.

b. Grade Status: SRA - 93/07/26
 A1C - 91/11/26
 AMN - 91/01/26

c. Time Lost: none.

d. Art 15's: none.

e. Additional: RIC, 08 MAR 93 - Financially delinquent.
 RIC, 03 AUG 93 - Late to work & missed appointments.
 MFR, 20 DEC 93 - DUI offense.
 DECA FORM 70-16, 16 OCT 92 - Dishonored Check.
 RIC, 05 OCT 92 - Reckless driving.
 1ST SGT LTR, 02 OCT 91 - Failure to pay just debt.

f. CM: none.

g. Record of SV: 90/07/26 - 92/03/25 Barksdale AFB 2 (Initial) REF
 92/03/26 - 93/03/25 Barksdale AFB 3 (Annual)

FD2002-0139

(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
none.

02/07/10/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE BASE, LOUISIANA

FD 2002-0157
15 March 1994

MEMORANDUM FOR 2 BW/CC

FROM: 2 BW/JA [REDACTED]

SUBJECT: Review of Recommendation to Involuntarily Discharge [REDACTED], 20 BS

1. The Squadron Section Commander, 20th Bomber Squadron (20 BS), recommends that [REDACTED] 20 BS, be involuntarily discharged for Minor Disciplinary Infractions pursuant to AFR 39-10, paragraph 5-46. He recommends a general discharge without probation and rehabilitation. [REDACTED] is not entitled to a discharge board, therefore his case is being processed under the notification procedures. We have reviewed the file and recommend that [REDACTED] be separated with a general discharge and that he not be offered probation and rehabilitation.

2. Airmen serve in the Regular Air Force for terms specified by Congress (10 U.S.C. 505), but Congress permits early separations under certain specified conditions. Congress also delegated to the Secretary of the Air Force the authority to specify other such conditions (10 U.S.C. 1169). The Secretary implemented that delegation in AFR 39-10, which governs this case.

3. We've examined the record and find no procedural deficiencies. [REDACTED] was informed of his commander's recommendation, his right to consult counsel, and his other procedural rights.

4. The Squadron Section Commander specified Minor Disciplinary Infractions as the basis for discharge. Specifically, [REDACTED] (1) was consistently financially delinquent, (2) was two hours late for work and failed to show at certain other mission essential and command directed appointment, (3) was ordered to attend a driving course as part of a civilian judgement for a DUI offense, (4) failed to complete mission essential duties as previously trained, and (5) was involved in an accident and charged with reckless driving by the police. For these infractions, he was given a Letter of Reprimand, three AF Form 174's, and a few memos for record.

5. [REDACTED] submitted matters for your consideration. In this, [REDACTED] asks that you characterize his discharge as an honorable.

6. If you decide to discharge [REDACTED] you must also decide the

7. Finally, you must also consider whether to suspend discharge for a period of probation and rehabilitation (P&R). AFR 39-10, paragraph 7-3, provides that probation should be possible for airmen (1) who have demonstrated a potential to serve satisfactorily; (2) who have the capacity to be rehabilitated for continued military service or for completion of the current enlistment and returned to civilian life without the stigma of discharge for cause; and (3) whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline. [redacted] was not rehabilitated by the numerous actions that were taken against him in the past. The squadron section commander recommends against P&R and the preponderance of the evidence weighs against offering P&R.

8. As the Separation Authority, you may:

- a. Retain [redacted] if you find that discharge is not warranted by the evidence or under the circumstances; or
- b. Separate [redacted] with a general discharge with or without P&R; or
- c. Recommend to the Commander, 8th Air Force, that [redacted] be separated with an honorable discharge; or
- d. Direct that [redacted] be given the opportunity to present his case before an administrative discharge board, if you find that discharge under other than honorable conditions (UOTHC) is warranted.

9. Recommend that you separate [redacted] from the United States Air Force with a general discharge, without P&R.

[redacted]
[redacted] Capt, USAF
Assistant Staff Judge Advocate

I concur.

[redacted]
[redacted] Major, USAF
Deputy Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE BASE, LOUISIANA

FD2002-0139

9 March 1994

MEMORANDUM FOR SrA [REDACTED]

FROM: 20 BS/CCQ

SUBJECT: Notification Letter

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 general or honorable. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. You have been consistently financially delinquent, as evidenced by an AF Form 174, dated 8 Mar 94.
 - b. You arrived for duty over two hours late and failed to make certain other mission essential and command directed appointments, as evidenced by an AF Form 174, dated 3 Aug 93.
 - c. You were ordered by Judge [REDACTED] to attend a driving course as part of a civilian judgment for a DUI offense, as evidenced by a memo for record, dated 20 Dec 93.
 - d. You wrote a dishonored check on 6 October 1992 to the Commissary, as evidenced by an DeCA Form 70-16, dated 16 Oct 92.
 - e. You failed to complete mission essential duties as previously trained, as evidenced by an AF Form 174, dated 5 Oct 92.
 - f. You were, on or about 23 February 1992, involved in an accident, and charged with reckless driving by the police, as evidenced by a letter of reprimand, dated 2 Mar 92.
 - g. Your charging and membership was terminated indefinitely because of

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] at bldg 4714, third floor on 10 Mar 94 at 0830 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 three workdays 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 had been scheduled for a medical examination. You are to report to the 2d Medical Group Hospital, Flight Surgeon's Office, Bldg 4540, at 0800 hours on 15 Mar 94 for the examination. You should abstain from alcohol for 72 hours and any food or drink other than water for at least 12 hours prior to the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of the AFR 39-10 is available for your use in your unit Orderly room.

[redacted] Capt, USAF
Squadron Section Commander, 20 BS

Attachments:

- 1. Cy AF Form 174, dtd 8 Mar 94
- 2. Cy AF Form 174, dtd 3 Aug 93
- 3. Cy MFR, dtd 20 Dec 93
- 4. Cy DeCA Form 70-16, dtd 16 Oct 92
- 5. Cy AF Form 174, dtd 5 Oct 91
- 6. Cy LOR, dtd 2 Mar 92
- 7. Cy First Sergeant Letter, dtd 2 Oct 91
- 9. Receipt for Notification Letter