

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AMN</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE <b>GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	<b>X</b>	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>

ISSUES <b>A92.37, A94.53</b>	INDEX NUMBER <b>A67.10</b>	EXHIBITS SUBMITTED TO THE BOARD		
		<b>1</b>	ORDER APPOINTING THE BOARD	
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
		<b>3</b>	LETTER OF NOTIFICATION	
		<b>4</b>	BRIEF OF PERSONNEL FILE	
			COUNSEL'S RELEASE TO THE BOARD	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE HEARING	
HEARING DATE <b>02-10-25</b>	CASE NUMBER <b>FD2002-0158</b>			

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 and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT	DATE: <b>02-10-25</b>
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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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD2002-0158**

**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 at least one verbal counseling, five Letters of Counseling, an Article 15, a vacation of suspended punishment, and an Unfavorable Information File. His misconduct included three instances of failure to go, three instances of disrespect to his supervisors, unruly conduct resulting in damage to government property, assault against another airman, fist fighting with a different airman, and threatening a noncommissioned officer. At the time of the discharge, member consulted counsel and submitted a statement in his own behalf requesting probation and rehabilitation, and submitted five character references. The commander's letter recommending discharge noted that member's "violent nature is not compatible with the Air Force" and that he had "a lack of respect for authority and was unwilling to follow directions of noncommissioned officers in his chain of command." Member had seven incidents in a 9-month period, thus clearly establishing a pattern. The Board noted that member was the same age as other airmen who adhere to the standards when his misconduct occurred, and he knew right from wrong. He was counseled repeatedly in an effort to help him correct his deficiencies and had many opportunities to improve his behavior. He failed to respond to those rehabilitative efforts. He was mature and responsible for his actions, and therefore was held accountable for them. 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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/05/07 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 79/12/26. Enlmt Age: 19 2/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-34, E-37, G-36, M-44. PAFSC: 2A754 - Survival Equipment Journeyman . DAS: 99/09/29.

b. Prior Sv: (1) AFRes 99/03/15 - 99/04/06 (22 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 99/04/07 for 4 yrs. Svd: 2 Yrs 1 Mo 1 Das, all AMS.

b. Grade Status: AMN - 01/01/09 (Article 15, Vacation, 01/04/09)  
A1C - (EPR Indicates: 99/04/07 - 00/12/06)  
AMN - 99/10/07

c. Time Lost: None

d. Art 15's: (1) 01/04/09, Vacation, Eielson AFB, AK, Articles 128 & 134. You, did, on or about 17 Feb 2001, wrongfully communicate to Technical Sergeant ----- a threat by stating you were "going to track him down and kick his ass because you have his number," or words to that effect. Reduction to the grade of AMN. (No appeal) (No mitigation)

(2) 01/01/09, Eielson AFB, AK, Article 108. You, did, on or about 3 Dec 2000, without proper authority damage by kicking three doors in Building 2266, military property of the United States the amount of said damage being in the sum of \$320.37. Article 116. You, did, on or about 3 Dec 2000, at about 0100 hours, cause a breach of the peace by wrongfully screaming and kicking doors and then wrongfully engaging in a fist fight with A1C ----- in the 3<sup>rd</sup> floor hallway of Building 2266. Article 128. You, did, on or about 3 Dec 2000, unlawfully strike and kick A1C ----- in the face with your hands and foot. Suspended reduction to the grade of AMN. (No appeal) (No mitigation)

- e. Additional: LOC, 18 MAY 00 - Failure to go.  
LOC, 28 JUL 00 - Disrespect towards an NCO.  
LOC, 19 SEP 00 - Failure to go.  
LOC, 13 NOV 00 - Failure to go.

f. CM: None

g. Record of SV: 99/04/07 - 00/12/06 Eielson AFB 4 (Initial)

(Discharged from Eielson AFB)

h. Awards & Decs: AFTR

i. Stmt of Sv: TMS: (2) Yrs (1) Mo (23) Das  
TAMS: (2) Yrs (1) Mo (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/12/13.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH  
None

02/07/22/cr



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

MEMORANDUM FOR 354 FW/CC

FROM: 354 FW/JA  
3112 Broadway Ave Unit 2B  
Eielson AFB AK 99702-1881

SUBJECT: Legal Review of AFPD 36-32 and AFI 36-3208 Discharge Action - [REDACTED]  
[REDACTED], 354 MXS, PACAF

1. I have reviewed the discharge package of Airman [REDACTED] and find that it is legally sufficient to support the proposed action. I concur with the recommendation of the unit commander that Amn [REDACTED] receive a general discharge without probation and rehabilitation based on Misconduct - Minor Disciplinary Infractions, AFI 36-3208, paragraph 5.49.
2. DISCUSSION: The following incidents form the basis for this action:
  - a. On 18 May 00, he failed to report to his duty location at the assigned time. For this infraction, he received a Letter of Counseling, dated 18 May 00 (Tab 4, Atch 1).
  - b. On 25 Jul 00, he was disrespectful towards an NCO, in violation of Article 91 of the Uniform Code of Military Justice. For this infraction, he received a Letter of Counseling, dated 26 Jul 00 (Tab 4, Atch 2).
  - c. On 28 Jul 00, he was again disrespectful towards an NCO, in violation of Article 91 of the Uniform Code of Military Justice. For this infraction, he received a Letter of Counseling, dated 28 Jul 00 (Tab 4, Atch 3).
  - d. On 19 Sep 00, he failed to report to his duty location at the assigned time. For this infraction, he received a Letter of Counseling, dated 19 Sep 00 (Tab 4, Atch 4).
  - e. On 13 Nov 00, he again failed to report to his duty location at the assigned time. For this infraction, he received a Letter of Counseling, dated 13 Nov 00 (Tab 4, Atch 5).
  - f. On or about 3 Dec 00, he was loud and unruly in building 2266 at Eielson Air Force Base. He kicked in three doors and entered into a fistfight with another military member, striking and kicking that military member in the face, in violation of Article 108, 116 and 128, of the Uniform Code of Military Justice. For this infraction, he received Article 15 punishment with a

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suspended reduction in grade and an Unfavorable Information File was established (Tab 4, Atch 6).

g. On or about 17 Feb 01, he threatened another military member, in violation of Article 134 of the Uniform Code of Military Justice. For this infraction, his suspended reduction in rank to the grade of airman was vacated and this discharge action was initiated (Tab 4, Atch 7)

3. All procedures required by AFI 36-3208 have been properly complied with, and the case has been appropriately processed. Amn [REDACTED] is entitled to legal counsel. He is also entitled to submit statements in response to the Notification Memorandum. Amn [REDACTED] has conferred with legal counsel and has submitted matters for your review (Tab 6). The 354 MXS/CC has addressed these matters in an attachment to his recommendation letter. After considering these matters, he still recommends discharge without probation and rehabilitation; I concur.

4. IRREGULARITIES: None.

5. OPTIONS FOR THE SPECIAL COURT-MARTIAL CONVENING AUTHORITY: As Special Court-Martial Convening Authority, you are the separation authority for this action. You may:

- a. Retain the respondent in the Air Force.
- b. Direct the case be reinitiated under another paragraph, if you deem it appropriate.
- c. Recommend the respondent be separated with an honorable discharge, with or without probation and rehabilitation, and forward the case to 11 AF/CC for action.
- d. Direct the respondent be separated with a general discharge, with or without probation and rehabilitation.

6. RECOMMENDATION: I have reviewed Amn [REDACTED] discharge package and find it legally sufficient to support an involuntary discharge. The unit followed the appropriate procedures and took the appropriate measures to assist Amn [REDACTED]. Therefore, I concur with the unit commander that Amn [REDACTED] be separated with a general discharge, without the opportunity for probation and rehabilitation.

[REDACTED]  
 [REDACTED]  
 [REDACTED] Lt Col, USAF  
 Staff Judge Advocate

Attachment:

Amn [REDACTED] Discharge Package

FD 2002-0158

DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES



APR 18 2001

MEMORANDUM FOR Amn [REDACTED], 354 MXS, PACAF

FROM: 354 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct - Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 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 as follows:

a. On 18 May 00, you failed to report to your duty location at the assigned time. For this infraction, you received a Letter of Counseling, dated 18 May 00 (Atch 1).

b. On 25 Jul 00, you were disrespectful towards an NCO, in violation of Article 91 of the Uniform Code of Military Justice. For this infraction, you received a Letter of Counseling, dated 26 Jul 00 (Atch 2).

c. On 28 Jul 00, you were again disrespectful towards an NCO, in violation of Article 91 of the Uniform Code of Military Justice. For this infraction, you received a Letter of Counseling, dated 28 Jul 00 (Atch 3).

d. On 19 Sep 00, you failed to report to your duty location at the assigned time. For this infraction, you received a Letter of Counseling, dated 19 Sep 00 (Atch 4).

f. On 13 Nov 00, you again failed to report to your duty location at the assigned time. For this infraction, you received a Letter of Counseling, dated 13 Nov 00 (Atch 5).

g. On or about 3 Dec 00, you were loud and unruly in building 2266 at Eielson Air Force Base. You kicked in three doors and entered into a fistfight with another military member, striking and kicking that military member in the face, in violation of Article 108, 116 and 128, of the Uniform Code of Military Justice. For this infraction, you received Article 15 punishment with a suspended reduction in grade and an Unfavorable Information File was established (Atch 6).

h. On or about 17 Feb 01, you threatened another military member, in violation of Article 134 of the Uniform Code of Military Justice. For this infraction, your suspended reduction in rank to the grade of airman was vacated and this discharge action was initiated (Atch 7)

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 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 any special pay, bonus, or education assistance funds may be subject to recoupment.

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 Capt. [REDACTED], Area Defense Counsel, Building 3112, Room 155, Eielson AFB, Alaska, on 18 APR 01 at 1130. You may consult civilian counsel at your own 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 (3 duty days) 23 APR 01, 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 in 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 Physical Examination Section, 354th Medical Group, Building 3349, at 1300 on 19 APR 01 for the examination.

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 in your orderly room.



[REDACTED], Maj, USAF  
Commander, 354 MXS

Attachments:

1. Letter of Counseling, dtd 18 May 00
2. Letter of Counseling, dtd 26 Jul 00
3. Letter of Counseling, dtd 28 Jul 00
4. Letter of Counseling, dtd 19 Sep 00
5. Letter of Counseling, dtd 13 Nov 00
6. AF Form 3070, dtd 9 Jan 01
7. AF Form 366, dtd 10 Apr 01