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|---------------------|----|-------------------------------------|--|--|--|
| <b>TYPE<br/>GEN</b> |    | <b>PERSONAL APPEARANCE</b>          |  | <b>X RECORD REVIEW</b>                 |  |
| <b>COUNSEL</b>      |    | 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 | DNV |
|                 |                   |     |      |       | X   |
|                 |                   |     |      |       | X   |
|                 |                   |     |      |       | X   |
|                 |                   |     |      |       | X   |
|                 |                   |     |      |       | X   |

|   |  |                               |  |  |  |
|---|--|-------------------------------|--|--|--|
| <b>ISSUES</b><br>A94.53, A93.09, A92.29 |  | <b>INDEX NUMBER</b><br>A67.90 |  | <b>EXHIBITS SUBMITTED TO THE BOARD</b> |  |
|   |  |                               |  | 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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

|  |   |                       |
|--|---|-----------------------|
| <b>ENDORSEMENT</b>   |   | <b>DATE: 02-10-01</b> |
| <b>TO:</b><br>SAF/MIBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742 | <b>FROM:</b><br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR<br>ANDREWS AFB, MD 20762-7002 |                       |

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0170

**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 misconduct, conduct prejudicial to good order and discipline. He had six Letters of Reprimand, five letters or records of counseling, an Article 15, vacation of suspended punishment, and an Unfavorable Information File. His misconduct included numerous failures to go and being late to work, dress and appearance violations, leaving the scene of GOV accident, and making a false statement. The records reflect member was also in the Substance Abuse and Reorientation Training program, and had been seen by Mental Health on several occasions to deal with his stress and insomnia. At the time of the discharge, applicant submitted a statement on his own behalf providing explanations for his misconduct and blaming his tardiness problems on off duty depression and unhappiness, while agreeing that separation was mutually beneficial to him and the Air Force, but requesting an honorable discharge. He also submitted five character references. The Board finds that member's misconduct was a significant departure from the standards expected of all airmen, and although given many opportunities to change his negative behavior, he was unable or unwilling to do so. 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 97/08/25 UP AFI36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 74/05/02. Enlmt Age: 19 9/12. Disch Age: 23 3/12. Educ: HS DIPL. AFQT: N/A. A-67, E-94, G-88, M-68. PAFSC: 2A636 - Aircraft Electrician & Enviromental Systems Apprentice. DAS: 94/11/21.

b. Prior Sv: (1) AFRes 94/02/10 - 94/05/17 (3 Mos 8 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AMN 94/05/18 for 4 yrs. Svd: 3 Yrs 3 Mo 8 Das, all AMS.

b. Grade Status: AMN - 97/02/13 (Vacation of Article 15, 97/06/16)  
 A1C - 95/03/18  
 AMN - 94/05/18

c. Time Lost: None

d. Art 15's: (1) 97/06/16, Vacation, Spangdahlem AB, GE, Article 86. You, did, on or about 27 May 97, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 52<sup>nd</sup> Medical Group, Dental Surgery Clinic, building 137. You, did, on or about 2 Jun 97, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 368, 22d Fighter Squadron. Article 107. You, did, on or about 27 May 97, with intent to deceive, make to TSgt -----, an official statement, to wit: that you were not able to make a dental surgery appointment due to missing your scheduled flight back to Europe, which statement was totally false, and was then known by you to be so false. Reduction to the grade of AMN. (No appeal) (No mitigation).

(2) 97/02/13, Spangdahlem AB, GE, Article 86. You, did, on or about 13 Jan 97, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Chemical Warfare Training Class, building 316. Suspended reduction to the grade of AMN, and 14 days extra duty. (No appeal) (No mitigation).

- e. Additional: LOR, 08 JUL 97 - Leaving the scene of an accident.  
 LOR, 12 NOV 96 - Failure to go.  
 LOR, 29 OCT 96 - Failure to go.  
 LOR, 29 OCT 96 - Violation of safety regulations.  
 RIC, 20 SEP 96 - Failure to comply with dress and appearance standards.  
 LOR, 20 SEP 96 - Failure to go.  
 RIC, 22 MAY 96 - Failure to comply with orders.  
 LOR, 12 FEB 96 - Failure to go.  
 LOC, 23 JAN 96 - Failure to go.  
 RIC, 28 FEB 95 - Failure to go.  
 RIC, 13 FEB 95 - Failure to go.

f. CM: None

- g. Record of SV: 94/05/18 - 96/01/17 Spangdahlem AB 5 (Initial)  
 96/01/18 - 97/01/17 Spangdahlem AB 3 (Annual)

(Discharged from Wright Patterson AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA, AFOLTR.

- i. Stmt of Sv: TMS: (3) Yrs (6) Mos (16) Das  
 TAMS: (3) Yrs (3) Mos (8) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/04/11.  
 (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH  
 None

02/07/30/cr



DEPARTMENT OF THE AIR FORCE  
UNITED STATES AIR FORCES IN EUROPE

FD2002-0170

MEMORANDUM FOR 52 FW/CC

AUG 12 1997

FROM: 52 FW/JA

SUBJECT: Legal Review of Administrative Discharge  
22d Fighter Squadron

1. I reviewed the administrative discharge action against [redacted] It is in substantial compliance with the provisions of AFPD 36-32 and AFI 36-3208 and otherwise legally sufficient to support discharge.

2. BASIS FOR ACTION: Administrative discharge action against [redacted] is based upon a pattern of misconduct, specifically, conduct prejudicial to good order and discipline, pursuant to AFI 36-3208, paragraph 5.50.2. The infractions consist of the following:

a. On 13 Feb 95, he failed to go at the time prescribed to his appointed place of duty. For this action he received a letter of counseling dated 13 Feb 95.

b. On 28 Feb 95, he failed to go at the time prescribed to his appointed place of duty. For this action he received a letter of counseling dated 28 Feb 95.

c. On 23 Jan 96, he failed to go at the time prescribed to his appointed place of duty. For this action he received a letter of counseling dated 23 Jan 96.

d. On 9 Feb 96, he failed to go at the time prescribed to his scheduled appointment. For this action he received a letter of reprimand dated 12 Feb 96.

e. On or about 22 May 96, he, having received lawful orders to provide his new phone number and address for the recall roster, to resolve his problems with housing, and to report in to his duty section at least once a week, failed to obey the same. For these actions he received a letter of counseling dated 22 May 96.

f. On 18 Sep 96, he failed to go at the time prescribed to his scheduled appointment. For this action he received a letter of reprimand dated 20 Sep 96.

g. On 19 Sep 96, he failed to obey a lawful general regulation, to wit: AFI 36-2903, by not complying with Air Force standards of dress and appearance. For this action he received a letter of counseling dated 20 Sep 96.

h. On 18 Oct 96, he failed to wear a safety belt while riding in a government vehicle. For this action he received a letter of reprimand dated 29 Oct 96.

i. On 29 Oct 96, he failed to go at the time prescribed to his appointed place of duty. For this action he received a letter of reprimand dated 29 Oct 96.

j. On 31 Oct 96, he failed to go at the time prescribed to his appointed place of duty. For this action he received a letter of reprimand dated 12 Nov 96, which was placed in an unfavorable information file (UIF) established 6 Dec 96.

k. On 14 Dec 96, he fled the scene of an accident. For this action he received a letter of reprimand dated 8 Jul 97.

l. On or about 13 Jan 97, he failed to go at the time prescribed to his scheduled appointment. For this action he received an Article 15 dated 18 Feb 97, which was placed in his existing UIF on 18 Feb 97.

m. On or about 27 May 97, he failed to go at the time prescribed to his scheduled appointment. On or about 2 Jun 97, he failed to go at the time prescribed to his appointed place of duty. On or about 27 May 97, he made a false official statement to 52d Medical Group, Dental Surgery Clinic. For these actions he received a vacation of suspended nonjudicial punishment dated 23 Jun 97.

### 3. MATTERS FOR RESPONDENT:

a. The respondent enlisted in the Air Force on 18 May 94. He has three years and three months of total active duty service. The respondent has two EPRs, with overall ratings of 3 and 5 from most recent to oldest. He is 23 years old, and his AQE scores are A-67, E-94, G-88, and M-68.

b. On 4 Aug 97, after consulting counsel \_\_\_\_\_ submitted statements on his own behalf. He requests that you characterize his service as honorable (Tab 3).

### 4. DISCUSSION:

a. On 8 Aug 97 \_\_\_\_\_ 2 FS/CC, recommended that \_\_\_\_\_ be discharged from the Air Force with a general discharge without P&R.

b. The discharge is being processed under AFI 36-3208, paragraph 5.50.2, which provides that an airman may be discharged for a pattern of misconduct prejudicial to good order and discipline. Despite numerous opportunities to modify his behavior, Amn \_\_\_\_\_ has shown a

consistent pattern of irresponsible behavior, deliberate disregard for authority, and a total lack of discipline. He has been given ample opportunities and strong guidance to correct his behavior to comply with Air Force standards of conduct, but has failed to take advantage of these opportunities. His conscious decisions to disregard standards required of Air Force members warrant his immediate discharge.

5. **ERRORS AND IRREGULARITIES:** There are no errors or irregularities which prejudice the rights of the respondent.

6. **CHARACTERIZATION OF SERVICE:** Honorable discharges are only appropriate when an airman's service generally has met Air Force standards of acceptable conduct and performance of duty or their service is otherwise exceptionally meritorious. Based upon disciplinary record, he does not deserve an honorable discharge. On the other hand, an under other than honorable conditions (UOTHIC) discharge is only given for more serious misconduct, such as use of force or violence to inflict bodily injury or death, abuse of a special position of trust, or acts or omissions which endanger the health, safety and welfare of others or the security of the United States. It does not appear that misconduct rises to that level. Furthermore, the airman is entitled to an administrative discharge board hearing if a UOTHIC characterization is recommended. A general discharge is most appropriate in this case, since significant negative aspects of his military career outweigh the positive aspects.

7. **PROBATION AND REHABILITATION (P&R):** Probation and rehabilitation are appropriate in special and limited circumstances, primarily when a member has demonstrated a strong potential for reform. Disciplinary record indicates the rehabilitative measures which have been employed to date have had little or no effect on his conduct. He has been given multitudinous opportunities to reverse his pattern of misconduct, but has failed to take advantage of these opportunities. There is no reason to believe that, given one more opportunity, will conform to minimally acceptable Air Force standards in the future. Five letters of counseling, six letters of reprimand, an Article 15, a vacation of suspended nonjudicial punishment, and the establishment of a UIF demonstrate his continued refusal to adhere to Air Force standards. Therefore, I do not recommend P&R in this case.

8. **ACTIONS WHICH MAY BE TAKEN:** As the Special Court-Martial convening authority, you have the following options:

- a. Direct that the respondent be retained in the Air Force.
- b. Recommend that 3 AF/CC discharge the respondent with an honorable discharge, with or without P&R.
- c. Discharge the respondent with a general discharge, with or without P&R.
- d. Direct the reissuance of a notification letter for board processing if you think a UOTHIC discharge is appropriate in this case.

9. RECOMMENDATION: I recommend discharging \_\_\_\_\_ for a pattern of misconduct, specifically, conduct prejudicial to good order, discipline, or the efficiency of the force, under the provisions of AFPD 36-32 and AFI 36-3208, paragraph 5.50.2, with a general discharge without P&R.

Attachment:  
Case File





DEPARTMENT OF THE AIR FORCE  
UNITED STATES AIR FORCES IN EUROPE

FD2002-0170

30 JUL 1997

MEMORANDUM FOR AMN

FROM: 22 FS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, specifically, conduct prejudicial to good order and discipline. The authority for this action is AFPD 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 13 Feb 95, you failed to go at the time prescribed to your appointed place of duty. For this action you received a letter of counseling dated 13 Feb 95 (Atch 1).

b. On 28 Feb 95, you failed to go at the time prescribed to your appointed place of duty. For this action you received a letter of counseling dated 28 Feb 95 (Atch 2).

c. On 23 Jan 96, you failed to go at the time prescribed to your appointed place of duty. For this action you received a letter of counseling dated 23 Jan 96 (Atch 3).

d. On 9 Feb 96, you failed to go at the time prescribed to your scheduled appointment. For this action you received a letter of reprimand dated 12 Feb 96 (Atch 4).

e. On or about 22 May 96, you, having received lawful orders to provide your new phone number and address for the recall roster, to resolve your problems with housing, and to report in to your duty section at least once a week, failed to obey the same. For these actions you received a letter of counseling dated 22 May 96 (Atch 5).

f. On 18 Sep 96, you failed to go at the time prescribed to your scheduled appointment. For this action you received a letter of reprimand dated 20 Sep 96 (Atch 6).

g. On 19 Sep 96, you failed to obey a lawful general regulation, to wit: AFI 36-2903, by not complying with Air Force standards of dress and appearance. For this action you received a letter of counseling dated 20 Sep 96 (Atch 7).

- h. On 18 Oct 96, you failed to wear a safety belt while riding in a government vehicle. For this action you received a letter of reprimand dated 29 Oct 96 (Atch 8).
- i. On 29 Oct 96, you failed to go at the time prescribed to your appointed place of duty. For this action you received a letter of reprimand dated 29 Oct 96 (Atch 9).
- j. On 31 Oct 96, you failed to go at the time prescribed to your appointed place of duty. For this action you received a letter of reprimand dated 12 Nov 96 (Atch 10), which was placed in an unfavorable information file (UIF) established 6 Dec 96 (Atch 11).
- k. On 14 Dec 96, you fled the scene of an accident. For this action you received a letter of reprimand dated 8 Jul 97 (Atch 12).
- l. On or about 13 Jan 97, you failed to go at the time prescribed to your scheduled appointment. For this action you received an Article 15 dated 18 Feb 97 (Atch 13), which was placed in your existing UIF on 18 Feb 97.
- m. On or about 27 May 97, you failed to go at the time prescribed to your scheduled appointment. On or about 2 Jun 97, you failed to go at the time prescribed to your appointed place of duty. On or about 27 May 97, you made a false official statement  
52d Medical Group, Dental Surgery Clinic. For these actions you received a vacation or suspended nonjudicial punishment dated 23 Jun 97 (Atch 14).
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 a 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.
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 Area Defense Counsel,  
Bldg 151, Spangdahlem AB, Germany, on 31 July 97 at 1500 hours. 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 within three duty days, unless you request in writing 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 52d Medical Group Physical Exams Element at 0800 hours on 31 Jul 97 and the Family Practice Clinic at 1045 hours on 31 Jul 97.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974. A copy of AFI 36-3208 is available for your use in your orderly room.
9. Execute the enclosed acknowledgment and return it to me immediately.

Attachments:

1. AF Form 174, 13 Feb 95
2. AF Form 174, 28 Feb 95
3. LOC, 23 Jan 96
4. LOR, 12 Feb 96
5. LOC, 22 May 96
6. LOR, 20 Sep 96
7. AF Form 174, 20 Sep 96
8. LOR, 29 Oct 96
9. LOR, 29 Oct 96
10. LOR, 12 Nov 96
11. AF Form 1058, 6 Dec 96
12. LOR, 8 Jul 97
13. AF Form 3070, 18 Feb 97
14. AF Form 366, 23 Jun 97