

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN
[REDACTED]		A1C	[REDACTED]

TYPE General	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	[REDACTED]	AMERICAN LEGION
NO		
X		

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.05	INDEX NUMBER A 67.10	EXHIBITS SUBMITTED TO THE BOARD	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
HEARING DATE 11 07 02	CASE NUMBER FD2002-0171	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 the applicant of the decision of the Board and the right to submit an application to the AFBCMR

[REDACTED]

INDORSEMENT	DATE: 111202
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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 RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0171

GENERAL: The applicant appeals for upgrade of his discharge from general to honorable and changing his reenlistment code to one that permits him to re-enter the military.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade/change of reason for discharge and change of RE code denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety which would justify a change of discharge.

Issue: The applicant believes the general discharge he received is too harsh and request that his discharge be upgraded to honorable and his RE code changed so he can re-enter the Air Force. Despite the brief duration of the respondent's Air Force service, he accumulated an impressive record of misconduct. In seven months, he received an Article 15, a letter of reprimand, and eleven letters of counseling. He received an Article 15 for making obscene comments to other airmen and using his government computer to create a pornographic slide show. He was reprimanded for pinching the buttocks of a female airman. While in technical training, the respondent's supervisors repeatedly counseled the respondent for his poor performance on his tests and for falling asleep in class. Their rehabilitative efforts met with no success. The DRB carefully reviewed the evidence the respondent and concluded the applicant's separation from the Air Force with a general discharge was fully supported by the evidence. Finding neither an impropriety nor an inequity, the DRB believes the applicant's separation and service characterization to be appropriate.

The Board also reviewed and considered the applicant's entire service record before making a decision.

CONCLUSIONS: The DRB concludes the discharge is consistent with the procedural and substantive requirements of the discharge regulation, was within the discretion of the discharge authority, and that the applicant received full administrative due process. In view of the foregoing findings, the DRB further concludes there is no legal or equitable basis upon which relief can be granted and that 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**

FD2002-0171

[REDACTED] (Former A1C) (HGH A1C) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a Gen Dish fr USAF 01/11/15 UP AFI 36-3208, PARA 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for HON Disch, to Change the RE Code, and Change Reason and Auth for Disch.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 02/02/22.

b. The AFDRB reviewed case on 02/03/14 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 02/04/10. (Change Discharge to Hon, Change RE Code, & Change Reason and Auth for Disch)

ISSUE 1: I am writing to give a brief description of each offense written against me from the discharge memorandum starting from the Beginning. Also to ask for a second chance a few of these are self explanatory.

- * I did not shine my boots.
- * I fell asleep in class after studying all night.
- * While in Mandatory Study after studying I found a previously created slide show I added to it.
- * The comment I made to AB ----- was completely not called for but at the time of the offense me and AB ----- were talking about sexual acts and I stepped over the line.
- * I failed room inspection.
- * I took a relationship I was having in the dorm to the school house and acted unprofessionally.
- * I missed one homework assignment.
- * I was late to class from a ten minute break.

I am not making excuses for what I have done but I am asking for a second chance. I joined the Air Force for the educational benefits and to do something positive with my life. I had planned on staying in the Air Force to receive my commission as an Officer and to make it a life long career. My entire life I

have wanted to join the United States Air Force. I wanted to serve my country. Once I was discharged I saw that there is nothing in the civilian world for me. I made a lot of stupid choices. But I can truly say I am older and wiser from them. I have taken courses on sensitivity, stress and anger management. I have been in constant fellowship with several ministers. I have held a full time job since being released from the Air Force. I have started my own ministry. These past 6 months have taught me that I am not perfect nor am I invincible. But I am human and like all humans I make mistakes. I am asking please don't let my mistakes hinder my future with the United States Air Force. Please allow me to start with a fresh and new start with the United States Air Force.

Atch

1. Applicant's Issues.
2. Three Character References.

02/07/03/ai

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (00) Yrs (07) Mos (13) Das
TAMS: (00) Yrs (07) Mos (06) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/11/16.
(Change Discharge to Honorable and Change RE Code)

Issue 1: I am writing to respectfully ask that my discharge be upgraded to honorable and my reentry code be changed so I may reenter the USAF or another branch of the military. I realize what I have done and I am sorry for it. I am asking for a second chance to continue with my Air Force career.

ATCH

1. Written Statement in Response to Notification Letter.
2. DD Form 214.
3. Student Training Report.

02/02/22/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2002-0171

13 Nov 01

MEMORANDUM FOR 82 TRG/CC

FROM: 82 TRW/JAC

SUBJECT: Legal Review, Recommendation for Discharge – A1C [REDACTED]
362 TRS

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 A1C [REDACTED] discharge from the Air Force. We concur with the 362 TRS/CCQ that A1C [REDACTED] should be discharged with an under honorable conditions (general) discharge in accordance with AFI 36-3208, paragraph 5.49 (minor disciplinary infractions).

2. Basis for Action. On 30 Oct 01, the 362 TRS/CCQ notified A1C [REDACTED] that she was recommending that A1C [REDACTED] be discharged from the service due to his misconduct.

3. Evidence for the 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 20 Sep 01, violate a lawful general instruction, to wit: AFI 36-2903, Table 2.5, Line 2, by failing to shine his boots. For this misconduct, he received an AF Form 174, Record of Individual Counseling, on 20 Sep 01.

b. The respondent, who knew or should have known of his duties at Sheppard AFB TX, on or about 11 Sep 01, was derelict in the performance of those duties in that he slept in class, as it was his duty not to do. For this misconduct, he received an AF Form 174 on 11 Sep 01.

c. The respondent did, at or near Sheppard AFB TX, on divers occasions between on or about 20 Aug 01 and on or about 31 Aug 01, violate a lawful general order, to wit: paragraph 2-301(b), Department of Defense Directive 5500.7R, dated 30 Aug 93, by wrongfully using a government computer for unofficial use and unauthorized purposes. For this misconduct and subparagraph "d" below he received an Article 15 on 12 Oct 01.

d. The respondent did, at or near Sheppard AFB TX, on or about 20 Aug 01 and on or about 24 Aug 01, orally communicate to AF [REDACTED] certain indecent language, to wit: "White girls did a good deed when they invented the blowjob" and "How being they could suck the chrome off a trailer hitch."

e. The respondent did, at or near Sheppard AFB TX, on or about 15 Aug 01, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 2.1.3, dated 15 Oct 97, by failing to keep his dormitory room in inspection order at all times. For this misconduct, he received an AF Form 174, on 22 Aug 01.

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f. The respondent did, at or near Sheppard AFB TX, on or about 8 Aug 01, make a lude gesture by touching a female student from behind. For this misconduct, he received a Letter of Reprimand (LOR) on 8 Aug 01.

g. The respondent, who knew of his duties at Sheppard AFB TX, on or about 19 Jul 01, was derelict in the performance of those duties in that he did not complete his assigned homework, as it was his duty to do. For this misconduct, he received an AETC Form 173, Student Record of Academic/Nonacademic Counseling and Comments, on 19 Jul 01.

h. The respondent did, at or near Sheppard AFB TX, on or about 18 Jul 01, fail to go to his appointed place of duty at the prescribed time, to wit: classroom. For this misconduct, he received an AETC Form 173 on 18 Jul 01.

4. Additional Information. The respondent is 19 years old, began his present enlistment on 10 Apr 01, and was assigned to his unit on 4 Jun 01. His ASVAB scores are as follows: A - 69, E - 45, G - 46, and M - 53. The respondent is entitled to wear the Air Force Training Ribbon. He has consulted counsel and has submitted statements for your consideration.

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

a. Direct A1C [REDACTED] retention;

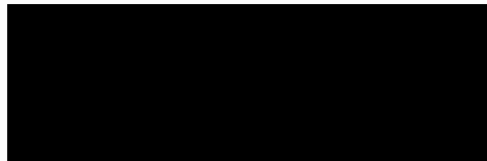
b. Suspend an under honorable conditions (general) discharge and recommend Probation and Rehabilitation;

c. Direct his discharge with an under honorable conditions (general) discharge; or

d. Recommend that A1C [REDACTED] 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. We note no administrative errors of legal significance, however, we do note the respondent was promoted to A1C on 19 Oct 01. We concur with the squadron section commander's recommendation for an under honorable conditions (general) discharge.

7. If you have any questions regarding this matter, please contact Capt [REDACTED] at ext 6-7186.



Attachment:
Case File

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DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2002-0171

30 OCT 2001

MEMORANDUM FOR AIC [REDACTED] 362 TRS

FROM: 362 TRS/CCQ

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 an 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 20 Sep 01, violate a lawful general instruction, to wit: AFI 36-2903, Table 2.5, Line 2, by failing to shine your boots. For this misconduct you received an AF Form 174, Record of Individual Counseling, on 20 Sep 01.
- b. You, who knew or should have known of your duties at Sheppard AFB TX, on or about 11 Sep 01, were derelict in the performance of those duties in that you slept in class, as it was your duty not to do. For this misconduct you received an AF Form 174 on 11 Sep 01.
- c. You did, at or near Sheppard AFB TX, on divers occasions between on or about 20 Aug 01 and on or about 31 Aug 01, violate a lawful general order, to wit: paragraph 2-301(b), Department of Defense Directive 5500.7R, dated 30 Aug 93, by wrongfully using a government computer for unofficial use and unauthorized purposes. For this misconduct and subparagraph "d" below you received an Article 15 on 12 Oct 01.
- d. You did, at or near Sheppard AFB TX, between on or about 20 Aug 01 and on or about 24 Aug 01, orally communicate to AB [REDACTED] certain indecent language, to wit: "White girls did a good deed when they invented the blowjob" and "How being they could suck the chrome off a trailer hitch."
- e. You did, at or near Sheppard AFB TX, on or about 15 Aug 01, violate a lawful general instruction, to wit: Paragraph 2.1.3, SAFBI 36-2902, dated 15 Oct 97, by failing to keep your dormitory room in inspection order at all times. For this misconduct you received an AF Form 174 on 22 Aug 01.
- f. You did, at or near Sheppard AFB TX, on or about 8 Aug 01, make a lude gesture by touching a female student from behind. For this misconduct you received a Letter of Reprimand (LOR) on 8 Aug 01.
- g. You, who knew of your duties at Sheppard AFB TX, on or about 19 Jul 01, were derelict in the performance of those duties in that you did not complete your assigned homework, as it was your duty to do. For this misconduct you received an AETC Form 173, Student Record of Academic/Nonacademic Counseling and Comments, on 19 Jul 01.

1. AF Form 174, 20 Sep 01
2. AF Form 174, 11 Sep 01
3. MFR, 2nd Lt Nevis, 24 Oct 01
4. AF Form 3070, 12 Oct 01
5. Incident Report, I 2001090015
6. AF Form 3545, 01-09-015
7. AF Form 1168, AB [REDACTED] 5 Sep 01
8. AF Form 1168, AB [REDACTED] 2 Sep 01
9. AF Form 1168, AB [REDACTED], 2 Sep 01
10. AF Form 1168, AB [REDACTED] 31 Aug 01
11. AF Form 1168, SSgt [REDACTED] 31 Aug 01
12. AF Form 1168, AB [REDACTED] 31 Aug 01
13. AF Form 1168, AB [REDACTED] 30 Aug 01
14. AF Form 174, 22 Aug 01
15. LOR, 8 Aug 01
16. AF Form 1168, AB [REDACTED] 8 Aug 01
17. AF Form 1168, SSgt [REDACTED] 8 Aug 01
18. AF Form 1168, MSgt [REDACTED] 8 Aug 01
19. AETC Form 173, 19 Jul 01
20. AETC Form 173, 18 Jul 01
21. AETC Form 125A, 30 Oct 01
22. Student Training Report, CL NR 20010619
23. AETC Form 173, 14 Aug 01
24. AETC Form 173, 14 Aug 01
25. AETC Form 173, 14 Aug 01
26. AETC Form 173, 7 Aug 01
27. AETC Form 173, 13 Jul 01
28. AETC Form 173, 2 Jul 01
29. Lackland AFB Form 205, 28 May 01
30. Airman's Receipt of Notification Memorandum *Wd*

cc:

82 MSS/DPMARS
362 TRS/CSS (File)
Individual