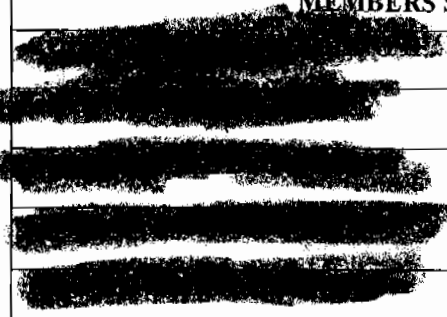



COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	RECORD REVIEW				
YES	NO		ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X						
<b>MEMBERS SITTING</b> 			VOTE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
							X
							X
							X
							X
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD					
A94.05	A67.90	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, and the right to submit an application to the AFBCMR.							
SIGNATURE OF RECORDER							
							
INDORSEMENT					DATE: 23 AUG 02		
TO:			FROM:				
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1335 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0173

**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 believes his discharge was improper because it was based on one isolated incident in 35 months of service. 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 for driving on base with a suspended driver's license and without authority, go from his appointed place of duty. The applicant also received two Letters of Reprimand for assault and failure to comply with instructions. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. 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 AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/08/03 UP AFI 36-3208, para 5.50.2 (Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 80/02/18. Enlmt Age: 17 11/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-79, E-85, G-84, M-60. PAFSC: 3P051 - Security Police Journeyman. DAS: 99/02/03.

b. Prior Sv: (1) AFRes 98/02/04 - 98/08/18 (6 Mos 15 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 98/08/19 for 4 yrs. Svd: 2 Yrs 11 Mo 15 Das, all AMS.

b. Grade Status: AB - 01/07/11 (Article 15, 01/07/11)  
SRA - 01/02/10  
A1C - 98/10/10

c. Time Lost: None

d. Art 15's: (1) 01/07/11, Whiteman AFB, MO, Article 92. You, who knew of your duties, on or about 28 May 2001, were derelict in the performance of those duties in that you willfully failed to refrain from driving on base with a suspended driver's license, as it was your duty to do. Article 86. You did, on or about 30 Jun 2001, without authority, go from your appointed place of duty, to wit: Building 711, 509<sup>th</sup> Security Forces Squadron. Reduction to the grade of AB. (No appeal) (No mitigation).

e. Additional: LOR, 23 JUL 01 - Assault.  
LOR, 07 JUN 01 - Failure to comply with instructions.

f. CM: None

g. Record of SV: 98/08/19 - 00/04/18 Whiteman AFB 5 (Initial)

(Discharged from Whiteman AFB)

h. Awards & Decs: AFAM, AFTR, AFOUA, AFEM.

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (0) Das  
TAMS: (2) Yrs (11) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/04/16.  
(Change Discharge to Honorable)

Issue: My discharge was improper because it was based on one isolated incident in 35 months of service with no other adverse action. I have enclosed many documents showing how I continually went beyond the expectations of a normal airman. I am currently serving my country as a Federal Air Marshal. I would like to further my education using the MGIB but cannot until I have an honorable discharge.

**ATCH**

1. Administrative Discharge Documents.
2. Enlistment Contract.
3. Enlisted Evaluation.
4. Character Reference.
5. Three Awards.
6. Fourteen Certificated/Letters of Appreciation.

02/07/30/cr

FD2002 - 0173



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 509<sup>th</sup> BOMB WING (ACC)  
WHITEMAN AIR FORCE BASE, MISSOURI

- 2 AUG 2001

MEMORANDUM FOR 509 BW/CC

FROM: 509 BW/JA

SUBJECT: Final Legal Review, AFI 36-3208, Administrative Discharge  
[REDACTED] 509 SFS

1. **BASIS OF ACTION:** The respondent's squadron commander initiated discharge action under AFPD 36-32 and AFI 36-3208, paragraph 5.50.2, for a pattern of misconduct. He recommends an under honorable conditions (general) discharge without probation and rehabilitation.
2. **EVIDENCE FOR THE GOVERNMENT:** The record contains sufficient evidence to substantiate discharge under paragraph 5.50.2. Specific instances of the respondent's pattern of misconduct include:
  - a. On 23 Jun 01, he assaulted his ex-wife.
  - b. On 28 May 01, he failed to refrain from driving on base with a suspended driver's license.
  - c. On 30 Jun 01, he left his appointed place of duty without permission.
  - d. On 29 May 01, he was informed that his TDY enroute to PCS was cancelled, and that he needed to turn in his airline tickets to TMO. On 5 Jun 01, SSgt [REDACTED] telephoned the TMO office to verify that he had turned in the tickets, but he had failed to do so.
3. **EVIDENCE FOR THE RESPONDENT:** [REDACTED] is 21 years old. He has consulted counsel and elected not to submit matters in his behalf. [REDACTED] entered the Air Force on 19 Aug 98. He is entitled to wear the Air Force Outstanding Unit Award, Air Force Achievement Medal, and the Air Force Training Ribbon.

FD 2002 - 0173

4. **DISCUSSION:** [REDACTED] was afforded many chances to maintain military standards. Despite efforts by his superiors he failed to respond. [REDACTED] has showed no desire to remain in the Air Force any longer. His pattern of misconduct began in May where he was found driving on a suspended license. He was told not to drive any longer until this problem was resolved. The following day [REDACTED] was caught again trying to drive on base. Because of these two incidents, his PCS orders were cancelled. In June he was supposed to turn in his airline tickets to TMO, but he failed to do so until he was finally directed to go. Within the same month [REDACTED] assaulted his ex-wife and failed to remain at his appointed place of duty. [REDACTED] has received two Letters of Reprimand, and an Article 15. Retaining [REDACTED] on active duty is contrary to the maintenance of good order and discipline; therefore, his squadron commander had initiated this discharge action.

5. **DISPOSITION ALTERNATIVES:** You, as the special court-martial convening authority, are the separation authority for this action. You may:

(a) retain the respondent in the Air Force;

(b) direct that the respondent be separated with an under honorable conditions (general) discharge, with or without probation and rehabilitation;

(c) recommend the respondent be separated with an honorable discharge, with or without probation and rehabilitation, and forward this case to the general court-martial convening authority (8th AF/CC) for action;

(d) direct this case be reinitiated pursuant to the board hearing procedures of AFI 36-3208, Chapter 6, Section C, if you feel a discharge under other than honorable conditions (UOTHC) is warranted; or

(e) direct the case be reinitiated under another paragraph of AFI 36-3208, if you deem it more appropriate.

7. **RECOMMENDATION:** I recommend you discharge the respondent, characterizing his service as under honorable conditions (general), without probation and rehabilitation. If you agree, please sign the attached correspondence and return this file to JA for further processing.

[REDACTED]  
[REDACTED] Capt, USAF  
Chief, Adverse Actions

Attachment:

Discharge Package [REDACTED]



FD 2002-0173

DEPARTMENT OF THE AIR FORCE  
509TH SECURITY FORCES SQUADRON (ACC)  
WHITEMAN AIR FORCE BASE, MISSOURI

JUL 23 2001

MEMORANDUM FOR AB [REDACTED] 509 SFS

FROM: 509 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service may be characterized as 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. On 23 Jun 01, you assaulted your ex-wife. For this incident, you received a Letter of Reprimand, dated 23 Jul 01. (Atch 1a)

b. On 28 May 01, you failed to refrain from driving on base with a suspended driver's license. For this incident, you received an Article 15, dated 13 Jul 01. (Atch 1b)

c. On 30 Jun 01, you left your appointed place of duty without permission. For this incident, you received an Article 15, dated 13 Jul 01. (Atch 1b)

d. On 29 May 01, you were informed that your TDY enroute to PCS was cancelled, and that you needed to turn in your airline tickets to TMO. On 5 Jun 01, [REDACTED] telephoned the TMO office to verify that you had turned in the tickets, but you had failed to do so. For this incident, you received a Letter of Reprimand, dated 7 Jun 01. (Atch 1d)

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 convening authority 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 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 [REDACTED] in Bldg 509 on 2 Aug 01 JUL 30 2001 at 1500. 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 2 Aug 01 1500 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

FD 2002-0173

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 Physical Exams at 0800 on ~~01-9-1~~ AUG 2001 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.
9. Execute the attached acknowledgment and return it to me immediately.



Lt Col, USAF

Commander

## Attachments:

1. Supporting documents -- for the reason for discharge
  - a. LOR, dated 23 Jul 01
  - b. Article 15, dated 15 Jul 01
  - c. LOR, dated 7 Jun 01
2. Airman's receipt of notification memorandum, dated JUL 29 2001