

<b>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				
<b>YES</b>	<b>NO</b>							
	X							
<b>MEMBERS SITTING</b>				<b>VOTE OF THE BOARD</b>				
				<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
[REDACTED]								X
[REDACTED]								X
[REDACTED]								X
[REDACTED]								X
[REDACTED]								X
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>				
A01.13, A94.05, A93.09		A67.90		<b>1</b>	ORDER APPOINTING THE BOARD			
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE			
				<b>3</b>	LETTER OF NOTIFICATION			
<b>HEARING DATE</b>		<b>CASE NUMBER</b>		<b>4</b>	BRIEF OF PERSONNEL FILE			
02-09-06		FD2002-0176			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 RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE								
<b>REMARKS</b>								
Case heard at Washington, D.C.								
Advise applicant of the decision of the Board and the right to a personal appearance with/without counsel, The right to submit an application to the AFBCMR.								
<b>SIGNATURE OF RECORDER</b>				<b>SIGNATURE OF BOARD PRESIDENT</b>				
[REDACTED]				[REDACTED]				
<b>INDORSEMENT</b>				<b>DATE: 02-09-06</b>				
<b>TO:</b>				<b>FROM:</b>				
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 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0176

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, and to change his reenlistment code.

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 and change of reenlistment code are denied.

The Board finds that neither the evidence of record or that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

**Issues.** Applicant was discharged for misconduct, conduct prejudicial to good order and discipline. He had three Letters of Reprimand, seven letters of counseling, and an Unfavorable Information File. He also had two referral Enlisted Performance Reports rated overall "2." His misconduct included failure to go, multiple incidents of being late to work, multiple dress and appearance violations, multiple dereliction of duty incidents, and two civilian convictions for driving under the influence of alcohol. The records show that applicant and his wife were also referred to the family advocacy program and mutual spouse abuse was substantiated. Member was also in the Weight and Body Fat Management Program. At the time of the discharge, applicant submitted a statement on his own behalf, several character statements, and a conditional waiver of his entitlement to a board hearing for receipt of a general discharge. Applicant now provides explanations for several, but not all, of his incidents of misconduct, and infers his discharge was too harsh in view of his otherwise honorable service. The Board finds his issues without merit in that member's misconduct consisted of a series of incidents that were of a very serious nature. His conduct was a significant departure from the standards expected of airmen, and although given an opportunity 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.

The applicant cited his desire to return to military service. While the Board commends applicant on this desire, and is sympathetic to the impact a General discharge has on his reenlistment code, this is not a matter of equity or propriety that warrants an upgrade.

**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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/02/29 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge and Upgrade of RE Code.

2. **BACKGROUND:**

a. DOB: 73/10/23. Enlmt Age: 19 10/12. Disch Age: 26 4/12. Educ:HS DIPL. AFQT: N/A. A-30, E-45, G-50, M-32. PAFSC: 4P051 - Pharmacy Journeyman. DAS: 97/05/22.

b. Prior Sv: (1) AFRes 93/09/03 - 93/09/21 (19 days) (Inactive).

(2) Enlisted as AB 93/09/22 for 4 yrs. Svd: 3 yrs 4 months 6 days, all AMS. AMN-(EPR Indicates): 93/09/22-95/05/21. A1C - 95/01/22. SRA - 96/09/22. EPRs: 3,3.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 97/01/28 for 4 yrs. Svd: 03 Yrs 01 Mo 02 Das, all AMS.

b. Grade Status: none.

c. Time Lost: none.

d. Art 15's: none.

e. Additional: LOC, 27 MAY 97 - Failure to wear uniform as instructed.  
LOC, 18 AUG 97 - Failed third uniform inspection.  
LOC, 28 MAR 98 - DUI.  
LOR, 28 MAR 98 - DUI.  
LOC, 30 JUL 98 - Unsatisfactory performance.  
LOR, 12 MAY 99 - Failure to go, failure to obey an order, and dereliction of duty.  
LOC, 29 JUL 99 - Dereliction of duty.  
LOC, 03 AUG 99 - Late for duty, wearing improper uniform.  
LOC, 01 SEP 99 - Late for duty.  
LOR, 14 NOV 99 - Failure to pay just debt.

f. CM: none.

g. Record of SV: 98/05/22 - 99/05/21 Langley AFB 2 (Annual)

(Discharged from Langley AFB)

h. Awards & Decs: AFLSAR, AFTR, NDSM, AFOUA, AFGCM W/1 DEV.

i. Stmt of Sv: TMS: (06) Yrs (05) Mos (27) Das  
TAMS: (06) Yrs (05) Mos (09) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/04/18.  
(Change Discharge to Honorable and Change RE Code.)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. DD Form 214.
2. Applicant's Issues.

02/08/07/ia

1  
[REDACTED]

April 12, 2002

SUBJECT: Issues to Consider

To Whom It May Concern:

1. I have issues with documents involved with my discharge.
2. The issues I have are as follows:
  - a. On 13 Aug 97, I asked the Assistant NCOIC [REDACTED] about uniform guidelines. I should have researched the information myself, but I took the word of a NCO. I spoke with [REDACTED] who informed my supervisor that he thought that the uniform I had was still valid.
  - b. On 21 Jul 98 and 28 Jul 98, I had a medication that I checked in error, and one medication was not double counted. I, on an average day, would check between one hundred prescriptions up to 300 prescriptions. I had some of the lowest error rate numbers in the pharmacy. On 28 Jul 98, I filled and counted a narcotic medication and passed it to the checker to be double counted. The checker did not double count the medication. The Pharmacy's policy at that time was that the filler and checker were to get Letters of Counseling.
  - c. On 3 Aug 99 and 16 Aug 99 through 20 Aug 99, I had recently advised the pharmacy that my family was in a car accident that totaled my car. At the time the pharmacy wanted personnel to arrive 15 minutes before the pharmacy opened. I could not find a ride, because others that I knew did not have to be at work until 7:30 a.m., and I had to be there at 7:15 a.m. I took taxis to work most of the time, and a couple of times I started to walk to work. I made every effort to get to work on time until I was able to get another car.
  - d. On 10 May 99, I had to put my hurricane evacuation information on the readiness computer system. The week before the pharmacy was told to fill it out on the readiness form. Then, pharmacy personnel received word that the information had to be sent by computer. In the pharmacy there was one computer for the entire frontline personnel. The pharmacy gave two days to finish the form and I was not able to get on the computer.
3. In six years and three months I served my country honorably. I received the Air Force Good Conduct Medal with 1 device, Air Force Longevity Service Medal, Air Force Training Ribbon, National Defense Service Medal, and the Air Force Outstanding Unit Award. I was on the first increment for the 1<sup>st</sup> Medical Group Readiness Team

for 3 years. In that time I won two awards during the Medical Readiness Exercise for excellence in the battlefield. I was on the Load Team the three years before that. Just months before I was to go up for the discharge, I was told by the pharmacy that myself and two others in the pharmacy would be going to Kuwait. I did not complain, and was prepared to go that same day.

4. I would like to request that my discharge be upgraded to Honorable and my Reenlistment Eligibility Code upgraded. I would like to try and qualify to continue my career as an Air Force Airman. Since my departure from the military I have continued my education. I have completed the PC Trouble Shooting and Hardware Systems course at Old Dominion University. I am currently employed with Humana, Inc., which handles the military healthcare. I am still in the healthcare service field, and I have computer skills that I have attained. If the Review Board sees fit, I hope that to have my discharge upgraded and my reenlistment code upgraded so that whether or not I qualify for reentry I can still have my honorable discharge.

Thank you for you consideration,





h. On 3 Aug 99, the respondent reported for duty late in a uniform that did not meet Air Force standards, for which he received a letter of counseling.

i. On the mornings of 16 Aug 99 through 20 Aug 99, the respondent reported for duty late, for which he received a letter of counseling.

j. On 1 Sep 99, the respondent reported for duty late, for which he received a letter of counseling.

k. On or about 8 Nov 99, the respondent was 85 days delinquent in paying a debt to Regional Acceptance, a loan company in which he had borrowed \$500.00, for which he received a letter of reprimand that was included in his unfavorable information file.

3. Background: The respondent has more than six years military service, therefore he is entitled to an administrative discharge board hearing. As stated earlier, the respondent submitted a conditional waiver of his right to a board hearing. He also submitted matters in his own behalf. He states while his military experience in general has been very positive, he is disappointed in the military on the way the senior noncommissioned officers responded to his entire situation. The respondent feels that he has earned an honorable discharge after putting in six long and hard years. He believes that an honorable discharge would help him reach his goals and contribute to his community and a general discharge would make it difficult to be considered for a position as a juvenile counselor. The respondent's wife, mother, aunt, a co-worker, and the Chief of Inpatient Pharmacy submitted character statements. The character statements make reference to the respondent's dedicated service, and his commitment to his family. The 1 FW/CC has forwarded the case file recommending that the conditional waiver be accepted and the respondent be separated with a General discharge without P&R.

4. Personal Data: The respondent is 26 years old and married with four dependents. His current enlistment began on 28 Jan 97, for a period of four years. The respondent has received five EPRs with overall ratings of two 2s, two 3s and one 4. The respondent is authorized to wear the Air Force Good Conduct Medal with one Oak Leaf Cluster, the National Defense Service Medal, the Air Force Training Ribbon, the Air Force Longevity Service Medal, and the Air Force Outstanding Unit Award.

5. Errors and Irregularities: There are no errors or irregularities in the case file that are prejudicial to the substantive rights of the respondent. However, it was noted that the case file did not contain character statements mentioned in the respondent's submission. These statements have since been forwarded to the initiating commander and the 1 FW/CC for consideration and has been included in the case file.

6. Legal Sufficiency/Discussion: I have reviewed the case file and find it legally sufficient to support a General discharge without P&R. During the respondent's current enlistment, he has been involved in numerous incidents of misconduct consisting of failing to wear the proper



uniform; failing a uniform inspection, driving under the influence of alcohol; three incidents of dereliction of duty; seven incidents of failure to go to his appointed place of duty at the time prescribed; and failure to pay a just debt. These incidents resulted in seven letters of counseling and three letters of reprimand. The respondent's numerous acts of misconduct and his refusal to accept the rehabilitative efforts offered to him form a basis for discharge under AFI 36-3208, paragraph 5.50.2. The respondent's overall record is such that a General discharge is appropriate, while P&R is not.

7. Options: As the separation authority, you have the following options:

- a. Direct that the respondent be retained in the Air Force.
- b. Refer the case file to 9 AF/CC if you believe an Honorable discharge is warranted.
- c. Accept the respondent's conditional waiver and direct that he be separated with a General discharge with or without P&R.
- d. Reject the respondent's conditional waiver and direct him to either request a hearing before an administrative discharge board or submit an unconditional waiver of this right.

8. Recommendation: I recommend that you direct the respondent be separated with a General discharge without P&R. If you concur, an action to that effect has been prepared for your signature.

  
USAF

I concur.

  
USAF



**DEPARTMENT OF THE AIR FORCE**  
**HEADQUARTERS 1ST FIGHTER WING**  
**LANGLEY AIR FORCE BASE**

FEB 8 2000

MEMORANDUM FOR 1 FW/CC

FROM: 1 FW/JA

SUBJECT: Administrative Discharge - [REDACTED] 1<sup>st</sup> MDSS

1. I have reviewed the proposed discharge action case file and find it legally sufficient to support a decision to separate Respondent with an under honorable conditions (general) discharge, as soon as he is found medically fit for separation.

2. **Background:**

a. Respondent is a 26-year-old Pharmacy Journeyman assigned to the 1<sup>st</sup> Medical Support Squadron. His TAFMSD is 22 Sep 93, and he began his four year enlistment on 28 Jan 97. He was assigned to his present unit on 22 May 97. Respondent received enlisted performance reports which contained overall ratings of 3, 3, 4, 2, and 2.

b. Respondent's commander properly notified Respondent of his recommendation to separate Respondent under the provisions of AFD 36-32 and AFI 36-3208, Chapter 5, Section H, paragraph 5.50.2 (pattern of misconduct) with an under honorable conditions (general) discharge. The Respondent is entitled to a board hearing. Discharge has been properly pursued via the board hearing procedures of AFI 36-3208, Chapter 6, Section C.

3. **Evidence for the Government:** On 27 May 97, the Respondent failed to wear the proper uniform as instructed. For this incident, he received a letter of counseling dated 27 May 97. On 13 Aug 97, the Respondent failed a third uniform inspection. For this incident, he received a letter of counseling dated 18 Aug 97. On 28 Feb 98, at York County District Court, the Respondent was convicted of a misdemeanor for Driving Under the Influence (DUI). For this incident, he received a letter of counseling dated 11 Mar 98 and a letter of reprimand dated 28 May 98. In addition, an Unfavorable Information File (UIF) was established and included the letter of reprimand. On 21 Jul 98, the Respondent checked a refill for Novahistine which was actually refilled with Tussionex. For this incident, he received a letter of counseling dated 30 Jul 98. On 6 May 99, the Respondent failed to report to the orderly room for a mandatory weigh-in. His inability to be at his scheduled appointment was a violation of Article 86, (Failure to Go) and Article 92, (Failure to Obey an Order and Dereliction of Duty), of the Uniform Code of Military Justice (UCMJ). For this incident, he received a letter of reprimand dated 12 May 99, which was included in his UIF. As of 10 May 99, after three reminders, the Respondent has not completed LAFB Form 33, Hurricane Evacuation Plan. For this incident, he received a letter of counseling dated 10 May 99. On 28 Jul 99, after repeated reminders about double counting narcotics, the Respondent checked a prescription for a narcotic that was not double counted. For this incident, he received a letter of counseling dated 29 Jul 99. On 3 Aug 99, the Respondent reported to duty five minutes late in an uniform that did not meet the standards contained in AFI 36-2903. For this

incident, the Respondent received a letter of counseling dated 3 Aug 99. On the mornings of 16 Aug 99-20 Aug 99, and 1 Sep 99 he reported to duty late. For these incidents, he received two letters of counseling dated 20 Aug 99 and 1 Sep 99. On 8 Nov 99 [REDACTED] received notification from [REDACTED], the assistant manager of Regional Acceptance, that the Respondent was 85 days delinquent in paying his just debt. For this incident, he received a letter of reprimand dated 14 Nov 99, which was included in his UIF.

4. **Evidence for the Respondent:** Respondent's unit properly notified him of his right to consult with counsel and to submit statements on his behalf for your consideration. On 18 Jan 2000, after consulting military legal counsel, the Respondent submitted a conditional waiver of his rights to a board hearing contingent upon receiving a discharge characterization no less favorable than an under honorable conditions (general) discharge. He submitted written matters for your consideration. The Respondent says that he is very disappointed in the senior leadership for not supporting him and their response to the entire situation. He feels that he has earned an honorable discharge after putting in six long and hard years. The Respondent believes that an honorable discharge would help him reach his goals and contribute to his community and a general discharge would make it difficult to be considered for a position as a juvenile counselor. He asks that you overlook his minor disciplinary infractions and consider approving an honorable discharge.

Character statements were submitted on behalf of the Respondent by the Chief of Inpatient Pharmacy Services, a co-worker, his wife, his mother, and a friend. The statements make reference to the Respondent's six years of dedicated service to the Air Force. The Chief of Inpatient Pharmacy Services says that he has never directly supervised him but has been satisfied with the Respondent's performance. He goes on to say that the Respondent seemed to be well organized and industrious during the times they worked together, but he was not familiar with his overall performance. He feels that if given a chance, the Respondent is a good risk for retention. Overall, everyone submitting character statements feels that the Respondent has learned from his past mistakes and would be a good candidate for retention.

5. **Discussion:**

a. During his military career, [REDACTED] has engaged in a pattern of misconduct that necessitates administrative discharge. His record includes an Unfavorable Information File (UIF) with 3 letters of reprimand and 9 letters of counseling for repeated uniform violations, showing up late for work, and driving under the influence. Conduct such as his is incompatible with further military service. Clearly the negative aspects of his service outweigh his positive contributions. Accordingly, an under honorable conditions (general) discharge characterization is warranted. Respondent's misconduct was not so egregious as to warrant an under other than honorable conditions discharge characterization which is appropriate when a member's conduct constitutes a significant departure from the conduct expected of airmen. The 1 MDSS/CC and I recommend acceptance of [REDACTED] offer of a conditional waiver for a discharge characterization no less favorable than an under honorable conditions (general) discharge.

b. The unit offered the Respondent numerous opportunities to improve his behavior by offering letters of reprimand and letters of counseling. Respondent's continued pattern of misconduct, despite the unit's efforts to rehabilitate him, demonstrates his poor rehabilitative potential. I do not recommend rehabilitation and probation in conjunction with this discharge.

6. **Errors and Irregularities:** No errors or irregularities prejudicial to Respondent's substantive or procedural rights were noted. The Respondent was initially recommended for discharge on 10 Dec 99 and the package was sent back for reinitiation due to a paragraph missing from the notification memorandum.

The missing paragraph stated the discharge characterization, that the Respondent would not be able to reenlist in the Armed Forces, and information concerning the recoupment of education benefits, special pay, and bonuses.

In addition, in the Respondent's statement he referred to character letters. At the time the package was returned to the Legal Office, there were no character statements included with the package. It has recently come to our attention that there were character statements that needed to be included in the discharge package for your review. The character statements are located at Tab 2. The 1 MDSS/CC has reviewed the character statements and still supports the Respondent's discharge for a pattern of misconduct.

7. **Options:** As separation authority in this case, you may:

- a. Recommend 9AF/CC accept Respondent's conditional waiver and separate him with an honorable or under honorable conditions (general) discharge, with or without probation;
- b. Disapprove Respondent's request for a conditional waiver and inform Respondent that either an unconditional waiver or a request for a board hearing may be submitted; or
- c. Direct retention, if you determine the evidence does not warrant discharge.

8. **Recommendation:** Forward to 9 AF/CC with a recommendation to accept Respondent's conditional waiver of his right to an administrative discharge board hearing and approve his separation with an under honorable conditions (general) discharge characterization, without probation and rehabilitation. A proposed memorandum to that effect is attached for your signature.



I concur.



Attachments:

- 1. Proposed Letter
- 2. Case File



**DEPARTMENT OF THE AIR FORCE**  
**HEADQUARTERS 1ST FIGHTER WING**  
**LANGLEY AIR FORCE BASE**

JAN 18 2000

MEMORANDUM FOR SR [REDACTED]

FROM: 1 MDSS/CC

SUBJECT: Notification Letter – Board Hearing

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, paragraph 5.50.2. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are as follows:

- a. On 27 May 97, you failed to wear the proper uniform as instructed. For this incident, you received a letter of counseling dated 27 May 97.
- b. On 13 Aug 97, you failed a third uniform inspection. For this incident, you received a letter of counseling dated 18 Aug 97.
- c. On 28 Feb 98, at York County District Court, you were convicted on misdemeanor for Driving Under the Influence (DUI). For this incident, you received a letter of counseling dated 11 Mar 98 and a letter of reprimand dated 28 May 98. In addition, an Unfavorable Information File (UIF) was established and included the letter of reprimand.
- d. On 21 Jul 98, you checked a refill for Novahistine which was actually refilled with Tussionex. For this incident, you received a letter of counseling dated 30 Jul 98.
- e. On 6 May 99, you failed to report to the orderly room for a mandatory weigh-in. Your inability to be at your scheduled appointment was a violation of Article 86, (Failure to Go) and Article 92, (Failure to Obey an Order and Dereliction of Duty), of the Uniform Code of Military Justice (UCMJ). For this incident, you received a letter of reprimand dated 12 May 99, which was included in your UIF.
- f. As of 10 May 99, after three reminders, you have not completed LAFB Form 33, Hurricane Evacuation Plan. For this incident, you received a letter of counseling dated 10 May 99.

g. On 28 Jul 99, after repeated reminders, you checked a prescription for a narcotic that was not double counted. For this incident, you received a letter of counseling dated 29 Jul 99.

h. On 3 Aug 99, you reported to duty five minutes late in an uniform that did not meet the standards contained in AFI 36-2903. For this incident, you received a letter of counseling dated 3 Aug 99.

i. On the mornings of 16 Aug 99-20 Aug 99, and 1 Sep 99, you reported to duty late. For these incidents, you received two letters of counseling dated 20 Aug 99 and 1 Sep 99.

j. On 8 Nov 99, [REDACTED] received notification from [REDACTED] the assistant manager of Regional Acceptance, that you were 85 days delinquent in paying your just debt. For this incident, you received a letter of reprimand dated 14 Nov 99, which was included in your UIF.

3. This action could result in your separation with an under honorable conditions (general) discharge. I am recommending that you receive an under honorable conditions (general) discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces. In addition, any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to:

- (a) Consult legal counsel;
- (b) Present your case to an administrative discharge board;
- (c) Be represented by legal counsel at a board hearing;
- (d) Submit statements on your own behalf in addition to, or in lieu of, the board hearing;
- (e) Waive the above rights. You must consult legal counsel before deciding to waive any of the Respondent's rights.

5. You have been scheduled for a medical examination. You must report to the 1st Medical Group, Physical Exam Section at \_\_\_\_\_ hours on \_\_\_\_\_ 2000 and an additional appointment will be scheduled if necessary. You must bring your medical records to your scheduled appointment. *Completed: 0730 7JAN 2000*

6. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain [REDACTED] Area Defense Counsel, 54 Willow Street, Bldg 147, Ext. 4-5607 at \_\_\_\_\_ hours on \_\_\_\_\_ 2000. Instead of the appointed counsel, you may have

another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within seven workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel, who will also sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements on your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to a board hearing.

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 the unit orderly room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. The discharge board or the discharge authority will make the findings and recommendations required under 10 U.S.C. 2005(g).

11. Execute the attached acknowledgment and return it to me immediately.



**Attachments:**

1. Evidence
2. Receipt of Notification Memorandum