

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
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<b>TYPE</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	DOTHIC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A93.09	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
<b>HEARING DATE</b> 9 OCT 02	<b>CASE NUMBER</b> FD2002-0194	<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

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

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0194

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable, to change the Reason and Authority for discharge, and to change the RE Code.

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 does not contest the discharge; he wants his discharge upgraded so he can reenter the Air Force. He states that he now has a wife and a baby and the military would be the best thing for him because he is having a hard time paying the bills and there is not much work in the area that he resides in. 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 five Letters' of Reprimand for failure to go, disobeying a lawful order, and being belligerent and verbally abusive to a customer service representative at a local bank. He also received three AETC Form 341's and three AETC 173's for failure to go, dereliction of duty, failure to shave, insubordination, failing uniform inspection and failure to follow instructions and being disruptive to the class. 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

(Former AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 99/11/02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the Reason and Authority for Discharge and the RE Code.

2. **BACKGROUND:**

a. DOB: 79/11/30. Enlmt Age: 19 2/12. Disch Age: 19 11/12. Educ:HS DIPL. AFQT: N/A. A-40, E-34, G-26, M-44. PAFSC: 3E211 - Pavements and Construction Equipment Helper. DAS: 99/05/17.

b. Prior Sv: (1) AFRes 99/02/25 - 99/03/23 (29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 99/03/24 for 4 yrs. Svd: 00 Yrs 07 Mo 09 Das, all AMS.

b. Grade Status: none.

c. Time Lost: none.

d. Art 15's: none.

e. Additional: LOR, 27 SEP 99 - Failure to go.  
LOR, 20 SEP 99 - Failure to go.  
LOR, 17 SEP 99 - Failure to go.  
AETC 341, 27 AUG 99 - Failure to go.  
AETC 341, 19 AUG 99 - Disobeying a lawful order.  
AETC 173, 03 AUG 99 - Dereliction of duty.  
AETC 341, 09 JUL 99 - Failure to shave.  
LOR, 07 JUL 99 - Bellegereant and verbally abusive to a customer service representative at a local bank.  
AETC 173, 30 JUN 99 - Insubordination.  
AETC 341, 29 JUN 99 - Failing uniform inspection.  
AETC, 173, 04 JUN 99 - Failure to follow instructions and disruptive to the class.

f. CM: none.

g. Record of SV: none.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (00) Yrs (08) Mos (08) Das  
TAMS: (00) Yrs (07) Mos (09) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/03/22.  
(Change Discharge to Honorable, to Change the Reason and Authority for Discharge and the RE Code.)

Issue 1: I am submitted (sic) this form to change my discharge and reentry code. I would like to go back in the Air Force to really serve my country. I have a wife and a baby boy now and the military would be the best thing for us. We are having a hard time to pay the bills, there or (sic) not much work in the area that I live in. All there is construction work (sic) here and I am tired of working 6 months then get laid off for 3 months, then work for 4 months then get laid off again. The only full time work in this area is chemical plants and you need a college education (sic) to work in them, it is hard, to work all day and try to go to school at night. Working construction it is (sic) hard to provide for my family, we are renting a trailer house and it is hard to pay the rent. I would like to know that we will have a place to live when I am not working. To sum it all up I would like to have my reentry (sic) code change (sic) that way I can go back in the military so I can provide for my family and serve this great country.

**ATCH**  
none.

02/08/14/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD 2002-0194

22 Oct 99

MEMORANDUM FOR 782 TRG/CC [REDACTED]

FROM: 82 TRW/JAC

SUBJECT: Legal Review, Recommendation for Discharge - [REDACTED]  
366 TRS, Det 7

1. We have reviewed this discharge case file and find it to be 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 [REDACTED] discharge from the Air Force. We concur with the 366 TRS, Det 7/CC that [REDACTED] should be discharged for his misconduct and that his service should be characterized as an under honorable conditions (general) discharge in accordance with AFI 36-3208, paragraph 5.49 (minor disciplinary infractions).

2. On 14 Oct 99, the 366 TRS, Det 7/CC notified [REDACTED] that he was recommending [REDACTED] be discharged from the service due to his misconduct. The basis for this action is the detachment commander's administrative determination that the respondent has committed a series of minor disciplinary infractions. Specifically, while stationed at Fort Leonard Wood MO, the respondent failed to go at the time prescribed to his appointed place of duty, to wit: details, and on three occasions, to Physical Conditioning. In addition, [REDACTED] was derelict in the performance of his duties when he slept in class. Further, he disobeyed a lawful order; he failed to shave; he failed a uniform inspection; he was insubordinate when he demonstrated disregard for directions and displayed an attitude of indifference; and he failed to follow instructions and was disruptive in class. Finally, [REDACTED] brought discredit upon himself and the United States Air Force when he became belligerent and verbally abusive to an employee of a local bank. The respondent received five Letters of Reprimand, three AETC Forms 173, and three AETC Forms 341 as the result of his misconduct. The basis for discharge is supported by a preponderance of evidence in the case file.

3. The respondent is 19 years old. He began his present enlistment on 24 Mar 99, and was assigned to his unit on 17 May 99. His ASVAB scores are below average. The respondent is entitled to wear the Air Force Training Ribbon. He has consulted counsel and has waived his right to submit statements for your consideration.

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

a. Direct [REDACTED] retention;

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

c. Recommend that [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).

5. If you have any questions, please contact Capt [REDACTED]

[REDACTED]

Attachment:  
Case File



FD2002-0194

g. You did, at or near Fort Leonard Wood MO, on or about 9 Jul 99, fail to shave. For this misconduct you received an AFTC Form 341, Discrepancy Report, on 9 Jul 99.

h. You were, at or near Fort Leonard Wood MO, on or about 6 Jul 99, bring discredit upon yourself and the United States Air Force by becoming belligerent and verbally abusive to a customer service representative at a local bank. For this infraction, you received an LOR on 7 Jul 99.

i. You did, at or near Fort Leonard Wood MO, on or about 30 Jun 99, insubordinate. Specifically, you have demonstrated disregard for directions and an attitude of indifference. For which you received an AFTC Form 173 on 30 Jun 99.

j. You did, at or near Fort Leonard Wood MO, on or about 29 Jun 99, fail a uniform inspection. For this misconduct you received an AFTC Form 341, Discrepancy Report, on 29 Jun 99.

k. You did, at or near Fort Leonard Wood MO, on or about 4 Jun 99, fail to follow instruction and were disruptive to the class. For this misconduct you received an AFTC Form 173 on 4 Jun 99.

l. 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, and will probably be denied enlistment in any component of the Armed Forces.

3. 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] Counsel, via telephone, 1-940-676-2186 at 1400 hours on 15 Oct 99. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 19 Oct 99 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult counsel or submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a medical examination. You must report to the Consolidated Troop Medical Clinic at 0800 on 15 Oct 99 for the examination.

7. 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 orderly room.



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



Attachments:

1. LOR, 27 Sep 99
2. LOR, 20 Sep 99
3. LOR, 17 Sep 99
4. AETC Form 341, 27 Aug 99
5. LOR, 19 Aug 99
6. Response to LOR, 23 Aug 99
7. Statement [REDACTED], 30 Aug 99
8. Statement [REDACTED], 26 Aug 99
9. AETC Form 173, 3 Aug 99
10. AETC Form 341, 9 Jul 99
11. LOR, 7 Jul 99
12. Response to LOR, [REDACTED], undated
13. AETC Form 173, 30 Jun 99
14. AETC Form 341, 29 Jun 99
15. AETC Form 173, 4 Jun 99
16. AETC Form 125A.
17. AETC Form 156, 990628
18. AETC Form 581, 11 Aug 99
19. AETC Form 581, 27 Jul 99
20. AETC Form 581, 30 Jun 99
21. AETC Form 581, 1 Jun 99
22. AETC Form 173, 1 and 2 Jun 99
23. AETC Form 341, 19 Jul 99
24. AETC Form 341, 28 Jul 99
25. USA MEDDAC Form 856, 11 Aug 99
26. USA MEDDAC Form 856, 20 Aug 99
27. Airman's Receipt of Notification Memorandum [REDACTED]