

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN								
		A1C									
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">NO</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		YES	NO		X	NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL											
YES	NO										
	X										
MEMBERS SITTING		VOTE OF THE BOARD									
		HON	GEN	JOINT	OTHER	DENY					
						X					
						X					
						X					
						X					
						X					
ISSUES A95.00		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD							
				1	ORDER APPOINTING THE BOARD						
				2	APPLICATION FOR REVIEW OF DISCHARGE						
				3	LETTER OF NOTIFICATION						
HEARING DATE 3 OCT 02		CASE NUMBER FD2002-0198		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											
<b>REMARKS</b> 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.											
INDORSEMENT											
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 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002								

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0198

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

**ISSUE:** The applicant submitted no issues and requested that the review be completed based on the available service record. 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 applicant had four Letters of Reprimand for failure to pay a traffic fine, failure to go and failure to pay just debt (twice). He also received four Letters of Counseling and a Memo For Record for unsatisfactory off duty conduct, dishonored checks (twice), dereliction of duty and failure to go. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repctitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

**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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 92/06/04 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 70/12/20. Enlmt Age: 18 7/12. Disch Age: 21 5/12. Educ: HS DIPL.  
AFQT: N/A. A-56, E-78, G-74, M-84. PAFSC: 81150 - Security Specialist.  
DAS: 90/03/08.

b. Prior Sv: (1) AFRes 89/08/14 - 89/10/05 (01 month 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 89/10/06 for 4 yrs. Svd: 02 Yrs 07 Mo 29 Das, all AMS.

b. Grade Status: A1C - 91/02/06  
AMN - 90/04/06

c. Time Lost: none.

d. Art 15's: none.

e. Additional: LOR, 08 MAY 92 - Failure to pay a traffic fine.  
LOR, 29 APR 92 - Failure to go.  
LOR/UIF, 15 APR 92 - Failure to pay just debt.  
LOR, 15 DEC 91 - Failure to pay just debt.  
LOC, 11 OCT 91 - Unsatisfactory off duty conduct.  
LOC, 05 OCT 91 - Dishonored checks.  
10 SEP 91 - Dishonored check notice.  
MFR, 16 JUL 90 - Dereliction of duty.  
LOC, 08 JUN 90 - Dishonored checks.  
LOC, 26 APR 90 - Failure to go.

f. CM: none.

g. Record of SV: 89/10/06 - 91/06/05 Ellsworth AFB 4 (Initial)  
91/06/06 - 91/11/20 Ellsworth AFB 4 (CRO)

(Discharged from Ellsworth AFB)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (02) Yrs (09) Mos (21) Das  
TAMS: (02) Yrs (07) Mos (29) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/05/05.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

none.

02/08/16/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 28TH WING (SAC)  
ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA 57706-5000

FD 2002-0198

REPLY TO  
ATTN OF:

JA (Capt Sibbel, 5-2329)

1 Jun 92

SUBJECT:

Legal Review - Notification Discharge: [REDACTED], FR [REDACTED]

TO: CC

1. I have reviewed the attached administrative discharge case file on Airman First Class [REDACTED], 44th Missile Security Squadron, and find it legally sufficient to support discharge. It also supports 44 MSS/CC's recommendation to separate the respondent with a general discharge without a conditional suspension of the discharge for a period of Probation and Rehabilitation (P & R).

2. On 20 May 92, 44 MSS/CC initiated this separation action pursuant to AFR 39-10, paragraph 5-46, for misconduct involving minor disciplinary infractions. On the same date, [REDACTED] received and acknowledged notification of this action. On 27 May 92, [REDACTED] waived his right to submit matters for your consideration after waiving his option to consult with legal counsel.

3. The reasons for the proposed discharge action are:

a. On or about 29 Apr 92, [REDACTED] was arrested by the Box Elder Police Department on a bench warrant for failure to appear to pay a traffic fine for speeding. For this offense, he was given a Letter of Reprimand (LOR) on 8 May 92.

b. On or about 13-14 Apr 92, [REDACTED] failed to go at the time prescribed to his appointed place of duty. For this offense, he was given an LOR on 29 Apr 92.

c. On or about 16 Mar 92, [REDACTED] dishonorably failed to pay a just debt in the sum of \$80.00 to Avco Financial Service. For this offense, he was given an LOR on 15 Apr 92 which was entered into his Unfavorable Information File (UIF).

4. The respondent is 21 years old. He entered active duty on 6 Oct 89 for a term of four years. He has two EPRs with a promotion recommendation rating of 4.

5. After reviewing the entire case file, I have determined that the respondent is subject to discharge and should be separated from the service. The nature and quantity of the respondent's misconduct clearly provide a basis for discharge. All of the offenses which constitute a ground for discharge occurred within an extremely short period of time - less than two months. The respondent has failed to maintain the high standards set forth for Air Force members. Consequently, the respondent's separation is in the

best interests of the Air Force. Furthermore, the respondent's misconduct makes his presence on Ellsworth AFB undesirable and I recommend that he be debarred from the base.

6. After considering all the facts in this case, I find that the respondent's misconduct outweighs the positive aspects of his military record. I believe that his service should be characterized as general (under honorable conditions).

7. The respondent's failure to conform to standards after having been counseled and reprimanded indicates that he is not a suitable prospect for P & R. Retention in a probationary status would be prejudicial to good order and discipline.

8. As the Special Court-Martial Convening Authority, you may:

- a. Direct that the respondent be retained;
- b. Recommend to 8 AF/CC that the respondent be separated with an honorable discharge, with or without P & R;
- c. Direct that the respondent be separated with a general discharge, with or without P & R; or
- d. Direct that the case be reinitiated and processed according to AFR 39-10, Chapter 6, Section C, if you believe that a UOTHC discharge is appropriate.

#### RECOMMENDATION

9. That you separate [REDACTED] under AFR 39-10, paragraph 5-46, with a general discharge, without P & R. I further recommend that you direct 28 SPS/CC to draft a letter for your signature debarring the respondent from Ellsworth AFB.

[REDACTED]  
[REDACTED] Major, USAF  
Acting Staff Judge Advocate

1 Atch  
Case File



FD 2002-0198

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 44TH SECURITY POLICE GROUP (SAC)  
ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA 57706-5000

REPLY TO  
ATTN OF: 44 MSS/CC

20 May 92

SUBJECT: Notification Letter

TO: A1C [REDACTED], FR [REDACTED], 44 MSS

1. I am recommending your discharge from the United States Air Force for misconduct involving minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. 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 or about 29 Apr 92, you were arrested by the Box Elder Police Department on a bench warrant for failure to pay a traffic fine for speeding. For this offense, you were given a Letter of Reprimand (LOR) on 8 May 92.

b. On or about 13-14 Apr 92, you failed to go at the time prescribed to your appointed place of duty. For this offenses, you were given a LOR on 29 Apr 92.

c. On or about 16 Mar 92, you dishonorably failed to pay a just debt in the sum of \$80.00 to Avco Financial Service. For these offenses, you were given a LOR on 15 Mar 91 which was entered into your Unfavorable Information File (UIF).

d. On or about 6 Dec 91, you dishonorably failed to pay a just debt to GMAC Finance. For this offense, you were given a Letter of Reprimand on 15 Dec 91.

Copies of 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.

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 Capt [REDACTED] at Bldg 1208 on 22 May 92 at 0900 hrs. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statement you want the separation authority to consider must reach me by 26 May 92 unless you request and receive an extension for good cause shown. I will send any statement that you submit to the separation authority for his consideration.

Peace . . . . is our Profession

5. 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.

6. You are scheduled for a medical examination. You must report to the Base Hospital Physical Exam at 0730 on 32 May 92 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available in your orderly room.

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

  
Commander, 44 MSS

Maj, USAF

3 Atchs

1. Supporting documents
  - a. LOR - 8 May 92
  - b. LOR - 29 Apr 92
  - c. LOR/UIF - 15 Apr 92
  - d. LOR - 15 Dec 91
2. Other Derogatory Documents
  - a. LOC - 11 Oct 91
  - b. LOC - 5 Oct 91
  - c. Dishonored Check Notice -  
10 Sep 91
  - d. MFRs - 16 Jul 90
  - e. LOC - 8 Jun 90
  - f. LOC - 26 Apr 90
3. Airman's Acknowledgment