

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE [REDACTED]	AFSN/SSAN [REDACTED]				
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW					
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	NO						
	X						
MEMBERS SITTING		VOTE OF THE BOARD					
		HON	GEN	UOTHC	OTHER	DENY	
ISSUES A93.09		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD			
				1	ORDER APPOINTING THE BOARD		
				2	APPLICATION FOR REVIEW OF DISCHARGE		
				3	LETTER OF NOTIFICATION		
				4	BRIEF OF PERSONNEL FILE		
HEARING DATE 9 OCT 02		CASE NUMBER FD2002-0207		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.							
SIGNATURE OF RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]				
INDORSEMENT				DATE: 8 OCT 02			
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				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0207

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 unfair because his problems resulted from personal problems with his wife. 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 three Letters' of Reprimand for physically assaulting his spouse, financial irresponsibility, and violation of the dress standards. He also received a Letter of Counseling for failure to go. 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 SRA) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 96/05/22 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 72/09/14. Enlmt Age: 20 2/12. Disch Age: 23 8/12. Educ: HS DIPL. AFQT: N/A. A-67, E-67, G-50, M-78. PAFSC: 3P031 - Security Apprentice. DAS: 93/01/03.

b. Prior Sv: (1) AFRes 92/11/30 - 93/03/29 (4 Mos) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enld as AB 93/03/30 for 4 yrs. Svd: 3 Yrs 1 Mo 23 Das, all AMS.

b. Grade Status: SRA - 96/03/30
A1C - 94/07/30
AMN - 93/09/30

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 17 APR 96 - Physical assault of spouse.
LOR, 18 DEC 95 - Financial irresponsibility.
LOR, 24 MAY 95 - Violation of dress standards.
LOC, 8 MAY 95 - Failure to go.

f. CM: None.

g. Record of SV: 93/03/30 - 94/12/01 Griffiss AFB 2 (Initial) REF
94/12/02 - 95/12/06 Barksdale AFB 3 (Annual)

(Discharged from Barksdale AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (5) Mos (23) Das
TAMS: (3) Yrs (1) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/05/07.
(Change Discharge to Honorable)

Issue 1: I believe it was unjust for the following reasons. I was married to another active duty member who was far from monogamous to say the least not to mention having an alcohol problem. I was accused of things that did not happen. She has a track record in which her first husband met the fate I did. All the problems I had while in the Air Force were off duty or stemmed from there. I am six years divorced and more mature and responsible by far than I was in the past. While on duty i (sic) received several L.O.A.'s for job knowledge and appearance. I was handpicked for an N.S.I. Nuclear Surety inspection for my outstanding performance. I respectfully request an upgrade so that i (sic) may re-enter the worlds (sic) greatest Air Force and do what i(sic) was meant to do with my career.

Issue 2: I think that the Air Force could greatly benefit for several reasons if this application is considered. The Air Force would be gaining an individual that has matured and learned from any past mistakes. Discipline has been a trait that i (sic) have implimented in my life since my discharge. I already have the experience and know how to get the job done right. I respectfully request that this application be considered.

ATCH

None.

02/08/16/cr



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE BASE, LOUISIANA

13 May 96

MEMORANDUM FOR 2 BW/CC

FROM: 2 BW/JA [REDACTED]

SUBJECT: Review of Recommendation to Involuntarily Discharge
[REDACTED] 2 SPS

1. The section commander of the 2d Security Police Squadron (2 SPS), [REDACTED] recommends that [REDACTED] be involuntarily discharged for minor disciplinary infractions pursuant to AFI 36-3208, paragraph 5.49. He recommends an under honorable conditions (general) discharge without Probation and Rehabilitation (P&R). Because of [REDACTED] limited tenure/rank, he is not entitled to a discharge board. Therefore, his case is being processed under the notification procedures. We reviewed the complete file and recommend that [REDACTED] be separated with an under honorable conditions (general) discharge and that he not be offered P&R.
2. Airmen serve in the Regular Air Force for terms specified by Congress (10 U.S.C. 505), but Congress permits early separations under certain specified conditions. Congress delegated to the Secretary of the Air Force the authority to specify other such conditions (10 U.S.C. 1169). The Secretary implemented that delegation in AFI 36-3208, which governs this case.
3. We reviewed the complete record and found no procedural deficiencies. [REDACTED] was informed of his section commander's recommendation, his right to consult counsel, and his other procedural rights.
4. [REDACTED] specified minor disciplinary infractions as the basis for discharge. [REDACTED] has consistently disregarded Air Force rules and instruction. [REDACTED] has: (1) unlawfully struck his wife, (2) failed to make payments on his Deferred Payment Plan (DPP) account, (3) failed to report for duty in uniform at the prescribed time, and (4) failed to report for duty at the prescribed time.
5. [REDACTED] has submitted the following matters for your consideration: [REDACTED] states that all the derogatory paperwork he received stemmed from some personal problems that he was going through at the time. He sought help for his problem and would like the chance to prove that the problem has been corrected. He states he performs his duties as a Security Policeman in an outstanding manner and received numerous Letters of Appreciation from supervisors on his job knowledge, appearance, and

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performance. [REDACTED] feels he has contributed immensely to the mission, and community relations and feels he deserves an honorable discharge. [REDACTED] has also attached several character references.

6. If you decide to discharge [REDACTED] you must also decide the appropriate service characterization. [REDACTED] recommends an under honorable conditions (general) discharge. An under honorable conditions (general) discharge is appropriate when significant negative aspects of an airman's conduct or performance of duty outweigh positive aspects of the airman's military record (AFI 36-3208, para 1.18.2). In this case, an under honorable conditions (general) discharge is warranted by [REDACTED] record and will accurately characterize his service.

7. Finally, you must also consider whether to suspend discharge for a period of P&R. AFI 36-3208, Chapter 7, provides that P&R should be possible for airmen (1) who have demonstrated a potential to serve satisfactorily; (2) who have the capacity to be rehabilitated for continued military service or for completion of the current enlistment and returned to civilian life without the stigma of discharge for cause; and (3) whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline. [REDACTED] was not rehabilitated by his unit's prior attempts, and it is evident that he doesn't have the desire to be rehabilitated. [REDACTED] recommends against P&R, and the preponderance of the evidence supports his recommendation against offering P&R.

8. As the Separation Authority, you may:

- a. Retain [REDACTED] if you find that discharge is not warranted by the evidence or under the circumstances;
- b. Separate [REDACTED] with an under honorable conditions (general) discharge, with or without P&R;
- c. Recommend to the Commander, 8th Air Force, that [REDACTED] be separated with an honorable discharge; or
- d. Direct that [REDACTED] be given the opportunity to present his case before an administrative discharge board, if you find that discharge under other than honorable conditions (UOTHC) is warranted.

9. RECOMMEND: You separate [REDACTED] from the United States Air Force with an under honorable conditions (general) discharge without P&R.

I concur.

[REDACTED]

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DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS 2D BOMB WING (ACC)
 BARKSDALE AIR FORCE BASE, LOUISIANA

MEMORANDUM FOR [REDACTED]

02 MAY 1996

FROM: 2 SPS/CCQ

SUBJECT: Notification Letter - Administrative Discharge

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 under honorable conditions (general) or honorable. I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On or about 25 Feb 96, you unlawfully struck your wife, as evidenced by a Letter of Reprimand (LOR), dated 17 Apr 96 (attach 1).



b. On or about 29 Nov 95, you failed to make payments on your Deferred Payment Plan (DPP) account, as evidenced by a LOR, dated 18 Dec 95 (attach 2).

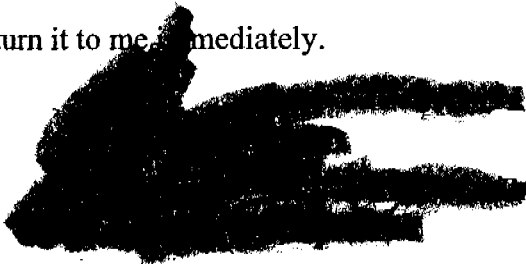
c. On or about 24 May 95, you failed to report for duty in uniform at the prescribed time, as evidenced by a LOR, dated 24 May 95 (attach 3).

d. On or about, 5 May 95, you failed to report for duty at the prescribed time, as evidenced by a Letter of Counseling (LOC), dated 9 May 95 (attach 4).

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 re-enlistment in the Air Force.

3. Military legal counsel, [REDACTED] Area Defense Counsel for Barksdale Air Force Base, extension 6-8355, Building 4714 (gym annex building), third floor, has been obtained to assist you. An appointment has been scheduled for you on 6 May 96 at 0830 hours. 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.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days unless you request and receive an extension for good cause shown. I will forward them to the separation authority for consideration.
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 have been scheduled for a medical examination. You must report to Flight Medicine, Building 451, at 0730 hours on 7 May 96 for the examination. You should not consume alcohol within 72 hours of this appointment.
7. You have been scheduled for a Preseparation Counseling briefing. You must report to the Family Support Center, Building 4713, at 1000 hours on 9 May 96 for the briefing. Your briefing will be with .
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 unit Orderly room.
9. Execute the attached acknowledgment and return it to me,  immediately.



Attachments:

1. LOR, dated 17 Apr 96
2. LOR, dated 18 Dec 95
3. LOR, dated 24 May 95
4. LOC, dated 9 May 95
5. Receipt of Notification