

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE AIC	AFSN/SSAN
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">NO</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
YES	NO					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	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	
		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	
HEARING DATE 19 DEC 02	CASE NUMBER FD2002-0212			

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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 	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT	DATE: 19 DEC02
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0212

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 three Letters of Reprimand for being late for work (twice) and for financial irresponsibility, a Letter of Counseling for failure to show up for work, a Letter of Admonishment for failure to report to work in the proper uniform and required equipment and a Record of Individual Counseling for loss of gear, uniform and conduct not becoming of a security policeman. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive 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

[REDACTED]
 [REDACTED]
 (Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/10/03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 80/11/09. Enlmt Age: 17 7/12. Disch Age: 20 10/12. Educ: HS DIPL
 . AFQT: N/A. A-74, E-43, G-48, M-48. PAFSC: 3P031 - Security Forces
 Apprentice. DAS: 99/12/06.

b. Prior Sv: AFRes 98/06/18 - 99/07/06 (1 Yr 0 Mos 19 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 99/07/07 for 4 yrs. Svd: 2 Yrs 2 Mos 27 Das, all AMS.

b. Grade Status: A1C - 00/11/07
 AMN - 00/01/07

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 13 AUG 01 - Late for work.
 LOR, 26 JUL 01 - Financial irresponsibility.
 LOR, 26 JUN 01 - Late for work.
 LOC, 26 MAR 01 - Failure to show up for work.
 LOR, 11 Dec 00 - Failure to account for two lost vest.
 LOA, 22 AUG 00 - Failure to report to work in the proper
 uniform and required equipment.
 RIC, 5 Aug 00 - Loss of gear, uniform and conduct not
 becoming of a Security Policeman.

f. CM: None.

g. Record of SV: 99/07/07 - 01/03/06 Andrews AFB 4 (Initial)

(Discharged from Andrews AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (3) Mos (16) Das
 TAMS: (2) Yrs (2) Mos (27) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/05/11.

(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

02/08/20/cr

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/10/03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions. Appeals for Honorable Disch.

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3. **SERVICE UNDER REVIEW:**

a. Enld as AB 99/07/07 for 4 yrs. Svd: 2 Yrs 2 Mo 27 Das, all AMS.

b. Grade Status: A1C - 00/11/07
AMN - 00/01/07

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 13 AUG 01 - Late for work.
LOR, 26 JUL 01 - Financial irresponsibility.
LOR, 26 JUN 01 - Late for work.
LOC, 26 MAR 01 - Failure to show up for work.
LOR, 11 DEC 00 - Failure to account for two lost vest.
LOA, 22 AUG 00 - Uniform violation.
LOC, 5 AUG 00 - Failure to maintain accountability of
duty equipment.

f. CM: None.

g. Record of SV: 99/07/07 - 01/03/06 Andrews AFB 4 (Initial)

(Discharged from Andrews AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (3) Mos (16) Das
TAMS: (2) Yrs (2) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/05/11.

(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

02/08/20/cr



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 89TH AIRLIFT WING (AMC)

SEP 24 2001

MEMORANDUM FOR 89 AW/CC

FROM: 89 AW/JA
1535 Command Drive, Suite AA210
Andrews AFB MD 20762-7002

SUBJECT: Legal Review - Recommended Discharge of [REDACTED]

1. I reviewed the administrative discharge file regarding [REDACTED] 89 SFS. A preponderance of the evidence supports the proposed discharge. There are no errors or irregularities that prejudice the substantial rights of the respondent. The file is legally sufficient.
2. [REDACTED], 89th Security Forces Squadron Commander, recommended that [REDACTED] be discharged from the United States Air Force under AFI 36-3208, paragraph 5.49 for Misconduct, specifically Minor Disciplinary Infractions, with a general (under honorable conditions) discharge. Such a discharge is appropriate when a pattern of minor disciplinary infractions exist in the current enlistment. The following incidents support the proposed discharge:
 - a. [REDACTED] did, at or near Andrews AFB MD, between on or about 31 Mar 00 and on or about 05 Aug 00, failed to maintain accountability of his duty equipment and engaged in conduct unbecoming of a security forces member. As a result, he received a letter of counseling, dated 05 Aug 00.
 - b. [REDACTED] did, at or near Andrews AFB MD, on or about 22 Aug 00, fail twice in the span of one month to report to work in the proper uniform and with the required equipment. As a result, he received a letter of admonishment, dated 22 Aug 00.
 - c. [REDACTED] did, at or near Andrews AFB MD, on or about 17 Aug 00, admit to leaving his second chance vest in the security forces guardmount room. As a result, he received a letter of reprimand, and an dated 11 Dec 00 unfavorable information file (UIF) was established.
 - d. [REDACTED] did, at or near Andrews AFB MD, on 19 Mar 01 fail to appear for duty at the designated time. As a result, he received a letter of counseling, dated 26 Mar 01.
 - e. [REDACTED] did, at or near Andrews AFB MD, on 26 Jun 01, fail to appear for duty at the designated time. As a result, he received a letter of reprimand, dated 26 Jun 01.
 - f. [REDACTED] did, at or near Andrews AFB MD, on 22 Jul 01, fail to meet financial responsibilities with his Military Star Card. As a result, he received a letter of reprimand, dated 26 Jul 01.

g. [REDACTED] did, at or near Andrews AFB MD, on 01 Aug 01, fail to appear for duty at his designated time. As a result, he received a letter of reprimand, dated 13 Aug 01.

3. [REDACTED] has been on active duty since 07 Jul 99. He received an EPR of 4 (06 Mar 01). He received the Air Force Training Ribbon.

4. The commander properly notified the respondent of his recommendation on 04 Sep 01. [REDACTED] is not entitled to an administrative discharge board hearing. He has consulted with the Area Defense Counsel and has submitted statements for your consideration. In his statement, [REDACTED] states he has a sleep disorder. However, the memorandum from Mental Health states [REDACTED] inability to sleep is directly related to the initiation of disciplinary action against him.

5. If you determine that there are sufficient grounds to discharge the respondent, you must decide whether he should be discharged, or if retention with or without probation and rehabilitation is appropriate. If the respondent is discharged, his service must also be characterized. In accordance with AFI 36-3208, paragraph 1.18.2, a general discharge is warranted when significant negative aspects of an airman's conduct or performance of duty outweigh positive aspects of the airman's military record. In this case, the initiating commander, [REDACTED] recommends a general (under honorable conditions) discharge and concludes that probation and rehabilitation is not appropriate.

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

- a. Reject the discharge recommendation and retain the respondent.
- b. Recommend to 21 AF/CC that the respondent be discharged with an honorable discharge with or without probation and rehabilitation. Under AFI 36-3208, paragraph 5.48.4, the general court-martial convening authority must approve an honorable service characterization when the basis of the discharge is under AFI 36-3208, Section H, Misconduct.
- c. Discharge the respondent with a general (under honorable conditions) discharge, with or without probation and rehabilitation.

7. I recommend that you discharge [REDACTED] with a general (under honorable conditions) discharge without probation and rehabilitation. This respondent demonstrated a lack of commitment to the standards of discipline expected of every Air Force member. He is not suited to the requirements of military life, and the circumstances surrounding his separation warrant a general (under honorable conditions) characterization. This characterization is consistent with that of other airmen discharged under similar circumstances. If you concur, a discharge order is attached for your signature.

[REDACTED], USAF
Staff Judge Advocate

- Attachments:
- 1. Proposed 89 AW/CC ltr
 - 2. Discharge package



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 89TH AIRLIFT WING (AMC)

MEMORANDUM FOR [REDACTED]

4 Sep 01

FROM: 89 SFS/CC
1845 W. Perimeter Dr.
Andrews AFB, MD 20762

SUBJECT: Notification Memorandum

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, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized general (under honorable conditions).

2. My reasons for this action are:

a. You did, at or near Andrews AFB, Maryland, between on or about 31 Mar 00 and on or about 05 Aug 00, failed to maintain accountability of your duty equipment and conduct not becoming of a security force member. As a result, you received a letter of counseling, dated 05 Aug 00. (Atch 1)

b. You did, at or near Andrews AFB, Maryland, on or about 22 Aug 00, failed twice in the span of one month to report to work in the proper uniform and with the required equipment. As a result, you received a letter of admonishment, dated 22 Aug 00. (Atch 2)

c. You did, at or near Andrews AFB, Maryland, on about 17 Aug 00, admit to leaving your second chance vest in the security forces guardmount room. As a result, you received a letter of reprimand and establishment of an unfavorable information file (UIF), dated 11 Dec 00. (Atch 3, 4)

d. You did, at or near Andrews AFB, Maryland, on 19 Mar 01 failed to appear for duty at your designated time. As a result, you received a letter of counseling, dated 26 Mar 01. (Atch 5)

e. You did, at or near Andrews AFB, Maryland, on 26 Jun 01, failed to appear for duty at your designated time. As a result, you received a letter of reprimand, dated 26 Jun 01. (Atch 6)

f. You did, at or near Andrews AFB, Maryland, on 22 Jul 01, failed to meet financial responsibilities with your Military Star Card. As a result, you received a letter of reprimand, dated 26 Jul 01. (Atch 7)

g. You did, at or near Andrews AFB, Maryland, on 01 Aug 01, failed to appear for duty at your designated time. As a result, you received a letter of reprimand, dated 13 Aug 01. (Atch 8)

3. 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.

4. You have the right to military counsel. I have made an appointment for you with the Area Defense Counsel. Report to 1430 Arnold Avenue at 1000 hrs on 05 Sep 01 with [REDACTED]. Instead of the appointed counsel, you may have another, if the attorney 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.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me no later than three duty days from today, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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 89th Medical Group, Primary Care with [REDACTED] at 1330 hrs on 05 Sep 01 for the examination. Report to Physical Exams prior to your appointment at 1300 hrs to pick up required paper work.

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 at the Area Defense Counsel's office.

[REDACTED] USAF
Commander, 89th Security Forces Squadron

8 Atchs:

1. Letter of counseling, dtd 05 Aug 00
2. Letter of adminishment, dtd 22 Aug 00
3. Letter of reprimand, dtd 11 Dec 00
4. Unfavorable information file, dtd 11 Dec 00
5. Letter of counseling, dtd 26 Mar 01
6. Letter of reprimand, dtd 26 Jun 01
7. Letter of reprimand, dtd 16 Jul 01
8. Letter of reprimand, dta 13 Aug 01