

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
[REDACTED]		AMN	[REDACTED]			
TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE		RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	<input checked="" type="checkbox"/>					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]						<input checked="" type="checkbox"/>
[REDACTED]						<input checked="" type="checkbox"/>
[REDACTED]						<input checked="" type="checkbox"/>
[REDACTED]						<input checked="" type="checkbox"/>
[REDACTED]		<input checked="" type="checkbox"/>				
ISSUES A92.21, 93.01, A93.19, A94.05		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD		
				1	ORDER APPOINTING THE BOARD	
HEARING DATE 10 SEP 02		CASE NUMBER FD2000-00226		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		
				TAP 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 Randolph AFB, Texas Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD			
[REDACTED]			[REDACTED]			
INDORSEMENT				DATE: 10 SEP 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, 3 RD FLOOR ANDREWS AFB, MD 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2000-00226

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change the reason and authority for discharge and change the RE Code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Randolph AFB, TX on September 10, 2002. The following additional exhibits were submitted at the hearing:

Exhibit 5: Applicant's contentions.

Exhibit 6: AFAM justification package

Exhibit 7: Winnemucca police department character letter

Exhibit 8: Winnemucca police department promotion announcement

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an impropriety that would justify upgrade of the discharge.

ISSUES: The applicant was discharged with a General Discharge for Misconduct - Pattern of Conduct Prejudicial to Good Order and Discipline. 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 two Article 15's for being disorderly and a Vacation action under the UCMJ for being disorderly. He also received two Letters of Reprimand for theft and disorderly conduct. The applicant contends that his discharge was too harsh because his proficiency marks were pretty good, the offenses were minor and resulted from a lack of judgment because he was impaired by immaturity and alcohol use. He also states that he has been a good citizen since his discharge and has a career in law enforcement. 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 Board noticed the performance ratings; however, the negative aspects of the offenses outweigh the positive contributions he made during his service. On the minor offenses, the Board opined that through the administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The many offenses of the applicant, although minor in nature when analyzed individually, mounted to an overall serious problem that could not be tolerated. The Board concluded the misconduct was a significant departure from conduct of all military members. The Board recognized the applicant's efforts to support his family, his successful rehabilitation, his job as a police officer and the pride he took in being a member of the United States military; however, no inequity or impropriety in his discharge was suggested or found in the course of the records review and in the questioning of the applicant. The Board concluded that the character of and reason for discharge were appropriate due to his misconduct.

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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 86/12/23 UP AFR 39-10, para 5-47b (Misconduct - Pattern of Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch, Chg RE Code, Chg Rsn & Auth for Disch.

2. **BACKGROUND:**

a. DOB: 64/02/29. Enlmt Age: 18 4/12. Disch Age: 22 9/12. Educ:HS DIPL. AFQT: N/A. A-75, E-90, G-88, M-98. PAFSC: 81150 - Security Specialist. DAS: 85/06/29.

b. Prior Sv: AFRes 82/07/15 - 83/01/23 (6 months 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 83/01/24 for 4 yrs. Svd: 3 Yrs 11 Mo 0 Das, all AMS.

b. Grade Status: AMN - 86/12/11 (Article 15, 86/12/11)
AIC - 86/05/01 (Article 15, Vacation, 86/09/30)
SRA - 86/01/24
AIC - 84/01/24
AMN - 83/07/24

c. Time Lost: none.

d. Art. 15's: (1) 86/12/11, RAF Fairford, UK - Article 134. You were, o/a 29 Nov 86, disorderly, which conduct was of a nature to bring discredit upon the armed forces. Rdn to Amn, forfeiture of \$100.00 pay per month for one month. (No appeal) (No mitigation)

(2) 86/09/30, Vacation, RAF Fairford, UK - Article 134. That o/a 15 Aug 86, you were again disorderly in conduct, that has led me to give you a letter of reprimand. Rdn to AIC. (No appeal) (No mitigation)

(3) 86/05/01, RAF Fairford, UK - Article 134. You were, o/a 8 Apr 86, disorderly, which conduct was of a nature to bring discredit upon the armed forces. Rdn to AIC (susp til 31 Oct 86), and forfeiture of \$100.00 pay per month for one month. (No appeal) (No mitigation)

e. Additional: LOR, 09 OCT 86 - Theft.
LOR, 30 SEP 86 - Disorderly conduct.

f. CM: none.

g. Record of SV: 83/01/24 84/01/23 F.E. Warren AFB 8 (Annual)
 84/01/24 84/05/22 F.E. Warren AFB 9 (CRO)
 84/05/23 85/04/25 F.E. Warren AFB 9 (CRO)
 85/04/26 86/04/25 RAF Fairford 7 (Annual)
 86/04/26 86/10/16 RAF Fairford 7 (CRO)
 (Discharged from McGuire AFB)

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

i. Stmt. of Sv: TMS: (4) Yrs (5) Mos (9) Das
 TAMS: (3) Yrs (11) Mos (0) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 00/03/23.
 (Change Discharge to Honorable Disch, Chg RE Code, Chg Rsn & Auth for Disch)

Issue 1: The following issues are the reasons I believe my discharge should be upgraded to Honorable. If you disagree, please explain in detail why you disagree. The presumption of regularity that might normally permit you to assume that the Service acted correctly in characterizing my service as less than Honorable does not apply to my case because of the evidence I am submitting. My average conduct and proficiency marks were pretty good. Attached are copies of my Airman Performance Reports. A review of these documents indicates that my duty performance or my conduct while on duty was never an issue. My duty performance was always termed as acceptable or better.

Issue 2: My record of Article 15s indicates only minor offenses. Attached are copies of Article 15 actions against me. A review will indicate that these violations were minor, and resulted from a lack of judgement rather than malicious intent or a disregard for authority.

Issue 3: My ability to serve was impaired by my immaturity. As mentioned above, my lack of mature judgement with respect to my off duty conduct had a negative impact on my career.

Issue 4: My use of alcohol impaired my ability to serve. Again, as mentioned above, I was not able to make mature decisions as to my use of alcohol when off duty.

Issue 5: My discharge was based on several offenses, but they were only minor offenses. I received three letters of Reprimand and two Article 15 Non Judicial Punishments while on active duty. All but one LOR were received in the last seven months of service. All were very minor incidents and all were alcohol related.

Issue 6: I have been a good citizen since discharge. In 1987, about two weeks after being discharged, I began a career in Law Enforcement. I am still employed in that field, and have been with my current employer over five years. I hold the rank of Sergeant and I supervise one of the departments night shifts. I also lead the SWAT Team and have duties as a training officer. After over five years with my previous employer, I held the rank of Sergeant with that agency also. I was responsible for training, and supervising Detention Communications, and Investigations. I also was a Deputy Coroner, and taught on

a regular basis at the State of Nevada Law Enforcement Academy. I attend a local church with my family. I got sober in 1990 and no longer use alcohol. I am at the point in my life where the prospect of telling my kids why I don't have an Honorable Discharge hanging on the wall is not an attractive one. I have made some changes that I should have made long ago. Your patience is appreciated.

ATCH

1. Applicant's Issues.
2. Three Character References.
3. Five Airman Performance Reports.
4. Article 15, 11 Dec 86.
5. Letter of Reprimand, 09 Oct 86.
6. Vacation of Suspended Nonjudicial Punishment, 30 Sep 86.
7. Letter of Reprimand, 30 Sep 86.
8. Article 15, 01 May 86.
9. Justification for Air Force Achievement Medal.
10. Four Letters of Appreciation.
11. DD Form 214.

00/06/13/ia

FD00-00228



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7020TH AIR BASE GROUP (USAF)
APO NEW YORK 09125-5000

REPLY TO
ATTN OF: JA

18 December 1986

SUBJECT: Legal Review of AFR 39-10 Discharge - [REDACTED]

TO: CC

1. Facts. This is an administrative discharge action initiated under AFR 39-10, Chapter 5, Section H, paragraph 5-47b. The underlying basis for this action is conduct prejudicial to good order and discipline.

2. Discussion. [REDACTED] received notice of the discharge action on 15 Dec 86 and he has consulted an attorney on the subject. He has not submitted a written statement for consideration. He is medically qualified for discharge.

3. Errors. None noted.

4. Opinion. This file supports the commander's recommendation that he be discharged for conduct prejudicial to good order and discipline. The evidence provides adequate support for the issuance of a general discharge. [REDACTED] commander has recommended that he be issued no probation and rehabilitation. As the discharge authority, you may direct that he receive a general discharge with or without probation and rehabilitation, or that he be retained in the Air Force. You may recommend that he receive an honorable discharge with or without probation and rehabilitation to the general court-martial convening authority, who would then become the discharge authority. If you feel an under other than honorable conditions discharge is warranted you may return the package for reinitiation. He would be entitled to an administrative board hearing if that action were taken.

5. Recommendation. I recommend that [REDACTED] be discharged from the United States Air Force under the provisions of AFR 39-10, Chapter 5, Section H, paragraph 5-47b, that he not be considered a candidate for probation and rehabilitation under the provisions of Chapter 7, AFR 39-10, and that his service be characterized as general.

[REDACTED]

Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE
7020 SECURITY POLICE SQUADRON (USAF)
APO NEW YORK 09125 5000

REPLY TO
ATTN OF: CC

15 December 1986

SUBJECT: Letter of Notification

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for conduct prejudicial to good order and discipline. The authority for this action is AFR 39-10 paragraph 5-47b. 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 reason for this action are; On 11 Dec 86, you received punishment under Article 15, for disorderly conduct. On 1 May 86, you received punishment under Article 15, for disorderly conduct. On 15 Oct 86, your suspension for the 1 May 86 punishment was vacated, again for disorderly conduct, when you received a letter of reprimand for larceny of government property. 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.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I made an appointment for you to consult [REDACTED] at bldg. 2 RAF Fairford on 10 Dec 86 at 0800 hours. You may consult civilian counsel at your own expense.

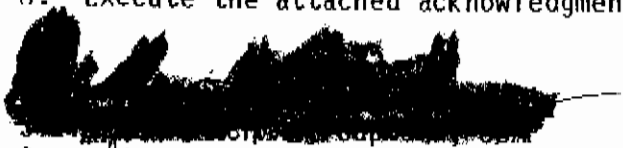
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays, which is 18 Dec 86, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult counsel or 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 on 1 Aug 86 at 0800 hours. Report to the Flight Surgeon's office, RAF Fairford Clinic at that date and time for your appointment.

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 for your use in the orderly room.

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



Commander

- 2 Atch
- 1. Supporting Documents
- 2. Airman's Receipt of Notification