

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	A1C
		A1C	
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW	
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	NO		
	X		

MEMBERS SITTING	VOICE OF THE BOARD				
	HON	GEN	UOHC	OTIER	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 15 Oct 02	CASE NUMBER FD2002-0230	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.

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 _____

DISPATCH		DATE: 15 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

FD02-0230

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 received four Letters of Reprimand for failure to go; failure to report personnel involved with drugs; driving without proper vehicle registration and insurance; and drinking while underage. Also, he received five Records of Individual Counseling for failure to attend a mandatory briefing; sleeping while on duty; failure to meet training study standards; failure to perform assigned duties; and being late for work. 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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 99/06/07 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 78/05/04. Enlmt Age: 19 1/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-76, E-66, G-53, M-68. PAFSC: 1C131 - Air Traffic Control Apprentice. DAS: 98/01/31.

b. Prior Sv: (1) AFRes 97/06/17 - 97/07/01 (15 Days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 97/07/02 for 4 yrs. Svd: 1 Yr 11 Mo 6 Das, all AMS.

b. Grade Status: A1C - 98/11/02
AMN - 98/01/02

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 19 APR 99 - Failure to go.
LOR, 12 APR 99 - Failure to report personnel involved with drugs.
LOR, 12 APR 99 - Driving without proper vehicle registration and insurance.
LOR, 10 APR 99 - Drinking while underage.
RIC, 8 APR 99 - Failure to attend a mandatory briefing.
RIC, 31 MAR 99 - Sleeping while on duty.
RIC, 9 OCT 98 - Failure to meet training study standards.
RIC, 8 OCT 98 - Failure to perform assigned duties.
RIC, 4 SEP 98 - Late for work.

f. CM: None.

g. Record of SV: 97/07/02 - 99/03/01 Davis-Monthan AFB 4 (Initial)

(Discharged from Davis-Monthan AFB)

h. Awards & Decs: AFTR

i. Stmt of Sv: TMS: (1) Yr (11) Mos (21) Das
TAMS: (1) Yr (11) Mos (6) Das

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4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/05/15.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

02/09/04/cr



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 355TH WING (ACC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

MEMORANDUM FOR 355 WG/CC

04 JUN 1999

FROM: 355 WG/JA

SUBJECT: Legal Review of Proposed Discharge of A1C [REDACTED], FR [REDACTED]
355 OSS

1. **LEGAL SUFFICIENCY:** I have reviewed the administrative discharge case file regarding A1C [REDACTED] the Respondent. The proposed discharge is supported by the evidence. There are no errors that prejudice the rights of the Respondent. Therefore, the file is legally sufficient, subject to a medical determination that the Respondent is qualified for worldwide duty and separation.

2. **BASIS FOR DISCHARGE AND REHABILITATIVE MEASURES:** Lt Col [REDACTED], 355 OSS/CC, recommends the Respondent be discharged from the Air Force under AFI 36-3208, paragraph 5.49, minor disciplinary infractions, without probation and rehabilitation. He recommends the Respondent's service be characterized as under honorable conditions (general). The basis for the proposed discharge is the Respondent's continued pattern of misconduct. On or about 4 Sep 98, he failed to report to work at the time prescribed, for which he received a Record of Individual Counseling (RIC). On or about 8 Oct 98, he was in charge of a clean up crew and he did not perform his assigned duties, for which he received an RIC. On or about 9 Oct 98, he did not meet the standards for book study, for which he received an RIC. On or about 31 Mar 99, he was found sleeping during duty hours, for which he received an RIC. On or about 8 Apr 99, he failed to report to a mandatory briefing, for which he received an RIC. On or about 8 Apr 99, he reported to work late, for which he received an RIC. On or about 10 Apr 99, he admitted to drinking while underage, for which he received a Letter of Reprimand (LOR). On or about 12 Apr 99, it was discovered that he had been driving on Davis-Monthan AFB without proper vehicle registration and insurance for an undetermined amount of time, for which he received an LOR. On or about 12 Apr 99, it was discovered that he voluntarily remained in the company of persons who were engaged in criminal activity (i.e., transporting marijuana) and he did not report them to the authorities, for which he received an LOR and an Unfavorable Information File was established. On or about 19 Apr 99, he failed to go to a scheduled appointment, for which he received an LOR.

3. **SERVICE HISTORY:** The Respondent has been on active duty for approximately 10 months. He has one enlisted performance report with an overall rating of 4. The Respondent's awards and decorations include the Air Force Training Ribbon.

4. **RESPONDENT'S CASE:** The Respondent consulted counsel and submitted a statement in his behalf. After briefly describing his personal history, the Respondent requests an honorable discharge. He feels anything less than an honorable would hurt not only himself, but also his family.

5. **CHARACTERIZATION OF SERVICE:** If you determine there are sufficient grounds to discharge the Respondent, you must decide whether he should be retained or discharged. The record of misconduct in this case warrants his discharge. The Respondent has engaged in repetitive acts of misconduct. He has been provided every opportunity to modify his behavior. Despite these efforts, the Respondent has continued to engage in misconduct. If you choose to separate the Respondent, you must also decide the appropriate service characterization. A general characterization is appropriate in this case because the negative aspects of the Respondent's conduct outweigh the positive aspects of his military record. An under other than honorable conditions (UOTHC) service characterization is not warranted in this case. Probation and rehabilitation is not appropriate. Based on the Respondent's continued pattern of misconduct, it is apparent he has failed to take advantage of the numerous rehabilitative opportunities afforded him. Given this and his demonstrated disregard for Air Force standards of conduct, further rehabilitative efforts would be futile.

6. **OPTIONS:** As the Separation Authority you may:

a. Discharge the Respondent with a service characterization of general, with or without probation and rehabilitation;

b. Retain the Respondent;

c. Forward the discharge package to 12 AF/CC recommending discharge with a service characterization of honorable, with or without probation and rehabilitation; or

d. Terminate the notification discharge process and direct that this case be processed under board hearing procedures making the Respondent subject to a UOTHC service characterization.

7. **RECOMMENDATION:** I recommend you discharge the Respondent with a general service characterization, without probation and rehabilitation. If you elect any of the other options, please return the package to this office. If you have any questions, please call Capt [REDACTED] at 228-5242.

[REDACTED]
[REDACTED], Lt Col, USAF
Staff Judge Advocate

Attachment:
Case File



FD 2002-0230

DEPARTMENT OF THE AIR FORCE
355TH OPERATIONS SUPPORT SQUADRON (ACC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

20 MAY 1999

MEMORANDUM FOR AIC [REDACTED], FR [REDACTED]

FROM: CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically 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 honorable or under honorable conditions (general). I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 19 Apr 99, you failed to go to a scheduled appointment. As a result, you received a Letter of Reprimand (LOR) (Tab A).

b. On or about 12 Apr 99, it was discovered that you voluntarily remained in the company of persons who were engaged in criminal activity (i.e., transporting marijuana) in your presence and you did not report them to the authorities. As a result, you received an LOR and an Unfavorable Information File (UIF) was established (Tab B).

c. On or about 12 Apr 99, it was discovered that you had been driving on Davis-Monthan AFB without proper vehicle registration and insurance for an undetermined amount of time. As a result, you received an LOR (Tab C).

d. On or about 10 Apr 99, you admitted to drinking while underage. As a result, you received an LOR (Tab D).

e. On or about 8 Apr 99, you failed to report to a mandatory briefing. As a result, you received a Record of Individual Counseling (RIC) (Tab E).


f. On or about 8 Apr 99, you reported to work late. As a result, you received an RIC (Tab F).

g. On or about 31 Mar 99, you were found sleeping during duty hours. As a result, you received an RIC (Tab G).

h. On or about 9 Oct 98, you did not meet the standards for book study. As a result, you received an RIC (Tab H).

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


Commander, Lt Col, USAF

Attachments:

1. Supporting Documents

- a. LOR, dated 20 Apr 99 (2 pages)
 - b. LOR, dated 15 Apr 99 (2 pages); AF Form 1058, dated 26 Apr 99; AF Form 1137
 - c. LOR, dated 5 May 99 (2 pages)
 - d. LOR, dated 5 May 99 (2 pages)
 - e. RIC, dated 8 Apr 99 (2 pages)
 - f. RIC, dated 8 Apr 99 (2 pages)
 - g. RIC, dated 31 Mar 99 (2 pages)
 - h. RIC, dated 16 Oct 98 (2 pages)
 - i. RIC, dated 9 Oct 98 (2 pages)
 - j. RIC, dated 8 Sep 98 (2 pages)
2. Airman's Receipt of Notification Memorandum