

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AIC	AFSN/SSAN [REDACTED]				
TYPE GEN	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
[REDACTED]							X
							X
							X
							X
							X
ISSUES A93.03, A92.03, A67.05		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD			
HEARING DATE 02-12-09		CASE NUMBER FD2002-0243		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						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
REMARKS							
<p>Case heard at Washington, D.C.</p> <p>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.</p>							
SIGNATURE OF RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]				
INDORSEMENT				DATE: 02-12-10			
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

FD2002-0243

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

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 or that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for minor disciplinary infractions. He had A Record of Individual Counseling, four Letters of Reprimand, and an Article 15. His misconduct included three instances of failure to go, making racist jokes with his classmates, three instances of making a false written or verbal statement, opening a cash box without authority, and illegally driving on base without insurance for more than 60 days. At the time of the discharge, member consulted counsel and submitted a statement in his own behalf requesting an honorable discharge. Member now infers the discharge was inappropriate because of his otherwise good duty performance which garnered him recognition, and because he received insufficient supervision. The board found these issues without merit. The Board noted member had nine incidents in a 16-month period, thus clearly establishing a pattern of misconduct. The Board further noted that member was the same age as other airmen who has adhered to the standards when his misconduct occurred, and he knew right from wrong. He was counseled several times in an effort to help him correct his deficiencies and had multiple opportunities to improve his behavior. He failed to respond to those rehabilitative efforts. He was responsible for his actions, and therefore was held accountable for them. Additionally, member had two enlisted performance reports (EPRs), both rated overall "3," which referred to his need to improve his performance, necessity to monitor him for acceptance of responsibility and to follow up on all of his tasks, his average dependability and integrity, and the necessity for him to make performance improvements. Thus, although member received some recognition for aspects of good duty performance, his EPRs indicate average performance, and nothing of sufficient mitigation to overcome the seriousness of his misconduct. No inequity or impropriety was found in this discharge in the course of the records review.

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 97/09/19 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 75/01/07. Enlmt Age: 19 2/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-76, E-45, G-36, M-73. PAFSC: 2A333A - Aircraft Maintenance Apprentice. DAS: 94/11/25.

b. Prior Sv: (1) AFRes 94/04/01 - 94/04/24 (24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 94/04/25 for 4 yrs. Svd: 03 Yrs 04 Mos 25 Das, all AMS.

b. Grade Status: A1C - 96/07/22
 AMN - 95/09/22 (Article 15, 95/09/22)
 A1C - 95/08/25
 AMN - (EPR Indicates): 94/07/22-96/02/28)

c. Time Lost: None.

d. Art 15's: (1) 95/09/22, Langley AFB, VA - Article 107. You did, on or about 31 Aug 95, with intent to deceive, make an official statement, to wit: present a letter to obtain a pair of steel toe boots, a letter which was not yours, to the Individual Equipment Unit Clerk, 23 Sweeney Boulevard, Building 330, 1st Fighter Wing Base Supply, Langley AFB, VA, and then verbally state you were entitled to the pair of steel toe boots referenced in the said letter, a statement which was totally false, and was then known by you to be so false. Reduction to Airman, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 05 AUG 97 - Making a false statement, illegally driving on a military installation for more than 60 days, illegal use of laundry facilities, and opening a cash box without authorization.

LOR, 17 DEC 96 - Failure to go.

LOR, 07 NOV 96 - Failure to go on two occasions.

RIC, 07 FEB 96 - Late for work.

f. CM: None.

g. Record of SV: 94/04/25 - 96/02/28 Langely AFB 3 (Initial)
 96/02/29 - 97/02/28 Langely AFB 3 (Annual)

(Discharged from Langely AFB)

h. Awards & Decs: AFAM W/1 OLC, AFTR, NDSM, AFEM, AFGCM.

i. Stmt of Sv: TMS: (03) Yrs (05) Mos (19) Das
 TAMS: (03) Yrs (04) Mos (25) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/04/17.
 (Change Discharge to Honorable)

Issue 1: I feel that my discharge should be upgraded to honorable for the following reasons: Not only did I receive (sic) an Air Force Achievement Medal on 6 June 1997 for outstanding achievement in operation Desert Strike, but I also received (sic) my first oak leaf cluster for putting myself in harms way and pushing a burning piece of equipment away from an F-15 Aircraft with no regard for my personal safety on 30 July 1997. That is two medals in the span of a month or so, not to mention my good conduct medal & AEF Medal. I think that while I may not have been the model airman, I was devoted and ready to fight for my freedom + my country, I also feel that when I first entered the service I was not given the chance to receive (sic) any study material to receive (sic) my 5 level. Because I was not given an immediate supervisor for almost 3 months not to mention my supervisor never spent any time with me to get my 623's filled out to show that I had completed & learned & mastered certain (sic) technical tasks relating to my job F-15 crew chief. I went through or was juggled between 5 different supervisors in my short career. I feel that I did my best with what I had & was taught.

ATCH

1. DD Form 214.
2. Two Air Force Achievement Medals.
3. End of Course Examination Results.
4. Performance Evaluation.
5. AF623a, On-The-Job Training record.

02/09/13/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA



12 SEP 1997

MEMORANDUM FOR 1 FW/CC

FROM: 1 FW/JA

SUBJECT: Administrative Discharge [REDACTED]

1. I have reviewed the proposed discharge action case file and find it legally sufficient to support a decision to separate Respondent with an under honorable conditions (general) discharge, as soon as he is found medically fit for separation.

2. Background:

a. Respondent is a 22-year-old Inspection Team Member assigned to the 27th Fighter Squadron. His TAFMSD is 25 April 1994, and he began his four year enlistment on 25 April 1994. He was assigned to his present unit on 1 December 1995. Respondent has two enlisted performance reports which contain overall ratings of 3 and 3.

b. Respondent's squadron section commander properly notified Respondent of his recommendation to separate Respondent under the provisions of AFI 36-3208, Chapter 5, Section H, paragraph 5.49, for minor disciplinary infractions, with an under honorable conditions (general) discharge. Since Respondent is not entitled to a board hearing, this case has been properly pursued via the notification procedures of AFI 36-3208, Chapter 6, Section B.

3. Evidence for the Government:

a. Respondent did, at Langley Air Force Base, Virginia, on or about 31 August 1995, with intent to deceive, make an official statement, to wit: He presented a letter to obtain a pair of steel toe boots, a letter which was not his, to the Individual Equipment Unit Clerk, at Base Supply. Respondent verbally stated he was entitled to the pair of steel toe boots referenced in the said letter, a statement which was totally false, and was then known by him to be so false. For this incident, he received nonjudicial punishment on 22 September 1995, consisting of reduction to the grade of airman (E-2).

b. Respondent did, at Langley Air Force Base, Virginia, on or about 7 February 1996, without authority, fail to go at the time prescribed to his appointed place of duty. For this incident, he received a letter of counseling on 7 February 1996.

c. Respondent did, at Langley Air Force Base, Virginia, on or about 31 October 1996 and on or about 1 November 1996, without authority, fail to go at the time prescribed to his

appointed place of duty. For these incidents, he received a letter of reprimand on 7 November 1996.

d. Respondent did, at Langley Air Force Base, Virginia, on or about 9 December 1996, without authority, fail to go at the time prescribed to his appointed place of duty. For this incident, he received a letter of reprimand on 17 December 1996.

e. Respondent did, at Langley Air Force Base, Virginia, on or about 15 July 1997, make a false official statement to a superior NCO by stating he had purchased automobile insurance when he had not. He then illegally drove on a military installation for more than 60 days without correcting the problem. On 22 July 97, at Langley AFB, Respondent used the Bayview Towers laundry facility, while having knowledge that it was reserved for residents only. Respondent also did, on 24 July 1997, at Langley AFB, open a cash box without authorization. For these incidents, he received a letter of reprimand on 5 August 1997.

4. **Evidence for the Respondent:** Respondent's unit properly notified him of his right to submit statements on his behalf for your consideration. On 10 September 1997, after consulting with the Area Defense Counsel, Respondent submitted matters on his behalf.

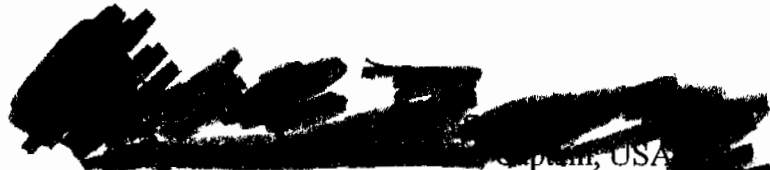
5. **Discussion:** During his short military career, [REDACTED] has engaged in a pattern of minor disciplinary infractions that necessitate administrative discharge. His record includes making false official statements, dereliction of duty, and petty larceny offenses. Conduct such as his is incompatible with further military service. Clearly the negative aspects of his service outweigh his positive contributions. Accordingly, an under honorable conditions (general) discharge characterization is warranted. The Air Force offered Respondent numerous rehabilitative opportunities. Respondent's continued pattern of misconduct, despite the unit's efforts to rehabilitate him, demonstrates his poor rehabilitative potential. I do not recommend rehabilitation and probation in conjunction with this discharge.

6. **Errors and Irregularities:** No errors or irregularities prejudicial to Respondent's substantive or procedural rights were noted.


7. **Options:** As separation authority in this case, you may:

- a. Direct retention, if you determine the evidence does not warrant discharge;
- b. Return the file for re-initiation and extend board hearing rights to Respondent, if you believe separation with an under other than honorable conditions (UOTHC) discharge is appropriate;
- c. Refer the case to 9 AF/CC, if you believe Respondent should be separated with an honorable discharge; or
- d. Direct Respondent's separation with an under honorable conditions (general) discharge, with or without probation and rehabilitation.

8. **Recommendation:** Direct Respondent be discharged with an under honorable conditions (general) discharge characterization, without probation and rehabilitation. A proposed memorandum to that effect is attached for signature.


Assistant Chief, Adverse Actions

I concur.


Staff Judge Advocate

Attachments:

1. Proposed Letter
2. Case File

FD 2002-0243



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA



MEMORANDUM FOR [REDACTED]

FROM: 27 FS/CCQ

3 Sep 97

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 with either an honorable or under honorable conditions (general) discharge. I am recommending that your service be characterized with an under honorable conditions (general) discharge.

2. My reasons for this action are:

a. You did, at Langley Air Force Base, Virginia, on or about 31 August 1995, with intent to deceive, make an official statement, to wit: you presented a letter to obtain a pair of steel toe boots, a letter which was not yours, to the Individual Equipment Unit Clerk, at Base Supply. You verbally stated you were entitled to the pair of steel toe boots referenced in the said letter, a statement which was totally false, and was then known by you to be so false. For this incident, you received nonjudicial punishment on 22 September 1995, consisting of reduction to the grade of airman (E-2), and a new date of rank of 22 September 1995. (Attachment 1).

b. You did, at Langley Air Force Base, Virginia, on or about 7 February 1996, without authority, fail to go at the time prescribed to your appointed place of duty. For this incident, you received a letter of counseling on 7 February 1996. (Attachment 2).

c. You did, at Langley Air Force Base, Virginia, on or about 31 October 1996 and on or about 1 November 1996, without authority, fail to go at the time prescribed to your appointed place of duty. For this incident you received a letter of reprimand on 7 November 1996. (Attachment 3).

d. You did, at Langley Air Force Base, Virginia, on or about 9 December 1996, without authority, fail to go at the time prescribed to your appointed place of duty. For this incident, you received a letter of reprimand on 17 December 1996. (Attachment 4).

e. You did, at Langley Air Force Base, Virginia, on or about 15 July 1997, make a false official statement to a superior NCO by stating you had purchased automobile insurance when you had not. You then illegally drove on a military installation for more than 60 days without correcting the problem. On 22 July 97, at Langley AFB, you used the Bayview Towers laundry facility, while having knowledge that it was reserved for residents only. You also did, on 24 July

1997, at Langley AFB, open a cash box without authorization. For these incidents, you received a letter of reprimand on 5 August 1997. (Attachment 5).

Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

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 Captain [REDACTED] Area Defense Counsel, 56 Willow Street, Suite 101, Ext 5607 at 1530 hours on 4 Sep 1997. 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 by 8 Sep 1600 1997 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 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 the 1st Medical Group, Physical Exam Section at 1400 hours on 4 Sep 1997 and an additional examination will be scheduled if necessary.

7. 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 the unit orderly room.

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

[REDACTED]
Squadron Section Commander

Attachments:

1. Article 15(22 Sep 95)
2. LOC (7 Feb 96)
3. LOR (7 Nov 96)
4. LOR (17 Dec 96)
5. LOR (5 Aug 97)
6. Receipt of Notification