

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
[REDACTED]		SRA	[REDACTED]			
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD		
A93.09;A93.11		A67.90		1	ORDER APPOINTING THE BOARD	
HEARING DATE 22 Nov 02		CASE NUMBER FD2002-0254		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						
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			
[REDACTED]			[REDACTED]			
[REDACTED]			[REDACTED]			
INDORSEMENT			DATE: 22 Nov 02			
TO:			FROM:			
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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

FD2002-0254

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 the evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

The applicant's issue is listed in the attached brief.

ISSUE. Applicant contends discharge was inequitable because "it was too harsh". The information provided by the applicant and contained in his records was carefully reviewed by the DRB. The records indicated the applicant received three Letters of Reprimand, one Letter of Counseling, and six Records of Individual Counseling for misconduct. The misconduct included late to work, failing a dorm room inspection, failure to go, financial irresponsibility, and improper wear of chemical warfare gear during an exercise. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct outweighed the otherwise satisfactory performance of this member.

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, 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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 99/06/28 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 77/01/14. Enlmt Age: 18 8/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-92, E-66, G-68, M-33. PAFSC: 2W051 - Munitions Systems Journeyman. DAS: 99/02/01.

b. Prior Sv: (1) AFRes 95/09/26 - 95/12/26 (3 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 95/12/27 for 4 yrs. Svd: 03 Yrs 06 Mo 02 Das, all AMS.

b. Grade Status: SRA - 98/12/27
A1C - 97/04/27
AMN - (EPR Indicates): 98/05/02-99/05/01

c. Time Lost: None.

d. Art 15's: (1) None.

e. Additional: LOC, 02 JUN 99 - Financial irresponsibility.
LOR, 28 MAY 99 - Failure to go.
LOR, 23 APR 99 - Late for work.
RIC, 11 FEB 99 - Late for work.
LOR, 06 FEB 99 - Late for work.
RIC, 05 FEB 99 - Late for duty during Phase I.
RIC, 20 JAN 99 - Late for duty during Phase II, and not prepared to respond to the appropriate MOPP levels during Phase II.
RIC, 01 DEC 98 - Unsatisfactory rating on dorm room inspection.
RIC, 23 SEP 98 - Late for work.
RIC, 18 SEP 98 - Late for work.

f. CM: None.

g. Record of SV: 98/05/02 - 99/05/01 Moody AFB 3 (Annual)

(Discharged from Moody AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (03) Yrs (09) Mos (03) Das
TAMS: (03) Yrs (06) Mos (02) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01/09/14.
(Change Discharge to Honorable)

Issue 1: I should have been released Honorably under "Hardships". I had a son on the way, (2) my single-parent father was under-going surgery, (3) my younger sister was also under-going surgery. There was a lot of emotional and financial stress and struggle due to the situations at hand and the 226 mile commute from Moody AFB Valdosta GA to Marietta GA. I had to travel every day off and take as much leave as possible.

ATCH
none.

02/09/19/ia

WG/CCC Info

[REDACTED]

21 Jun 99

WG/CV

Info

WG/CCE Info

[REDACTED]

21 Jun 99

WG/CC

Sign [REDACTED]

JA

72446

Administrative Separation [REDACTED]

16 June 99

1. Tab 1 contains two memoranda for 347 WG/CC's signature directing that [REDACTED] be separated under honorable conditions (general) without an opportunity for probation and rehabilitation (P&R), and barred from Moody. Tab 2 contains 347 EMS/CC's recommendation for an under honorable conditions (general) discharge without P&R and the case file. Tab 3 contains the legal review finding 347 EMS/CC's recommendations legally sufficient.
2. [REDACTED] is being processed for involuntary discharge under AFI 36-3208, paragraph 5.50.2, for a pattern of misconduct (conduct prejudicial to good order and discipline). 347 EMS/CC has recommended an under honorable conditions (general) discharge without P&R (Tab 2). [REDACTED] has not submitted a statement for 347 WG/CC's consideration (Tab 2). I have reviewed the administrative separation file at Tab 2 and find it legally sufficient (See the legal review at Tab 3).
3. As the Special Court-Martial Convening Authority, WG/CC has the following options:
 - a. Direct that [REDACTED] be retained in the Air Force;
 - b. Recommend to the General Court-Martial Convening Authority (9 AF/CC) that [REDACTED] be separated with an honorable discharge with or without the opportunity for P&R;
 - c. Approve an under honorable conditions (general) discharge with or without the opportunity for P&R; or,
 - d. Direct that the unit commander reinitiate this action IAW board hearing procedures if WG/CC believes an under other than honorable conditions discharge may be warranted.

RECOMMENDATION

4. WG/CC sign memoranda at Tab 1 ordering that [REDACTED] be (1) separated with an under honorable conditions (general) discharge, and (2) barred from Moody for a period of two years.

[REDACTED]
Major, USAF
Acting, Staff Judge Advocate

- 3 Tabs
1. WG/CC Memo
2. Case File
3. Legal Review

**DEPARTMENT OF THE AIR FORCE****HEADQUARTERS 347TH WING (ACC)
MOODY AIR FORCE BASE, GEORGIA**

8 June 1999

MEMORANDUM FOR [REDACTED]

FROM: 347 EMS/CC

SUBJECT: Notification Memorandum - Discharge of Airman

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct (conduct prejudicial to good order and discipline). The authority for this action is AFI 36-3208, section 5.50.2. If my recommendation for discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are as follows:

a. On or about 18 Sep 98, without authority, you were late reporting for duty during a Phase II exercise. For this offense, you received a Letter of Counseling (LOC), dated 18 Sep 98 (Atch 1a).

b. On or about 23 Sep 98, without authority, you were late reporting for duty. For this offense, you received an LOC, dated 23 Sep 98 (Atch 1b).

c. On or about 1 Dec 98, you, violated MAFBR 90-2 section 2-7, by failing to maintain minimum standards of cleanliness in your dorm room. For this offense, you received an LOC, dated 1 Dec 98 (Atch 1c).

d. On or about 13 Jan 99, without authority, you were late reporting for duty during a Phase II exercise. Also, you did not wear the proper black rubber gloves during MOPP4. For these offenses, you received an LOC, dated 20 Jan 99 (Atch 1d).

e. On or about 5 Feb 99, without authority, you were late reporting for duty during a Phase I exercise. For this offense, you received an LOC, dated 5 Feb 99 (Atch 1e).

f. On or about 6 Feb 99, without authority, you were late reporting for duty. For this offense, you received a Letter of Reprimand (LOR), dated 6 Feb 99 (Atch 1f).

g. On or about 10 Feb 99, without authority, you were 1 hour late reporting for duty. For this offense, you received an LOC, dated 11 Feb 99 (Atch 1g).

h. On or about 29 Mar 99, without authority, you were 30 minutes late returning from lunch. For this offense, you received an LOR, dated 23 Apr 99 (Atch 1h).

i. On or about 20 May 99, you failed to report to the Moody Air Force Base Military Personnel Flight for promotion testing. For this action, you received an LOR, dated 28 May 99 and a Unfavorable Information File was established. Also you were placed on a Control Roster (Atch 1i)

j. One or about 28 May 99, investigations confirmed that you were 60 days delinquent on you DPP account. For this offense, you received an LOC, dated 2 Jun 99 (Atch 1j).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial (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 have made an appointment for you to consult [REDACTED] in Bldg 5107, Room 3, at **1000 hours** on **9 Jun 99**. Please take your copy of this Notification Memorandum and the attachments with you to your appointment. 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 **three** duty days after receipt of this notification letter, unless you request and receive an extension for good cause shown. **If your appointment with defense counsel is beyond three duty days after receipt of this letter, you should contact the Area Defense Counsel office at extension 7-3421 to obtain a delay request.** I will send any statement(s) you submit 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 have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, Physical Exams Section, Bldg 3296, at **0730** on **9 Jun 1999** for the examination. **This is a mandatory appointment.**

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement. A copy of AFI 36-3208, is available for your use in the orderly room.

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


Major, USAF
Commander, 347th Equipment Maintenance Squadron

Attachments:

1. Supporting Documents, Reasons for Discharge
 - a. LOC, 18 Sep 98
 - b. LOC, 23 Sep 98
 - c. LOC, 1 Dec 98
 - d. LOC, 20 Jan 99
 - e. LOC, 5 Feb 99
 - f. LOR, 6 Feb 99
 - g. LOC, 11 Feb 99
 - h. LOR, 23 Apr 99
 - i. LOR\UIF\COR, 28 May 99 (w/atch)
 - j. LOC, 2 Jun 99
2. Airman's Receipt of Notification Memorandum