










AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE AB	AFSN/SSAN 				
TYPE	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
							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 20 DEC 02		CASE NUMBER FD2002-0259					
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 				
INDORSEMENT					DATE: 20 DEC02		
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

FD02-0259

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 three Letters of Reprimand, and five Letters of Counseling for failure to obey an order, sleeping on duty, violation of appearance standards, failure to go, unauthorized driving on base and parking in the commander's parking space, violation of posted curfew, unprofessional conduct and violation of dress standards. 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]
(Former AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/10/16 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 81/11/17. Enlmt Age: 19 1/12. Disch Age: 19 11/12. Educ: HS DIPL . AFQT: N/A. A-63, E-67, G-66, M-45. PAFSC: 2A1X7 - Electronic Warfare Systems Apprentice. DAS: 01/03/05.

b. Prior Sv: (1) AFRes 00/12/28 - 01/01/15 (18 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 01/01/16 for 6 yrs. Svd: 0 Yrs 9 Mos 1 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 26 SEP 01 - Failure to obey and order.
LOR, 15 AUG 01 - Sleeping on duty.
RIC, 13 AUG 01 - Violation of appearance standards by having a groomed beard.
RIC, 10 AUG 01 - Failure to go.
LOR, 3 JUL 01 - Unauthorized driving on base and parking in the commander's parking space.
RIC, 3 JUL 01 - Violation of posted curfew.
RIC, 24 APR 01 - Unprofessional conduct.
RIC, 13 MAR 01 - Violation of dress standards by having a cell phone in uniform and not having AETC Form 341.

f. CM: None.

g. Record of SV: None.

(Discharged from Keesler AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (0) Yrs (9) Mos (19) Das
TAMS: (0) Yrs (9) Mos (1) Das

FD2002-0259

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/04/09.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

02/09/17/cr



**-DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

OCT 10 2001

MEMORANDUM FOR 81 TRG/CC

FROM: 81 TRW/JAJ
500 Fisher Street Rm 227
Keesler AFB, MS 39534-2553

SUBJECT: Legal Review, Administrative Discharge -- [REDACTED]
[REDACTED]

1. **ACTION:** On 5 Oct 01, 332 TRS/TRM recommended that [REDACTED] (hereafter referred to as "Respondent") be administratively separated for minor disciplinary infractions with a general discharge characterization. The authority for this recommendation is AFI 36-3208, Section H, paragraph 5.49 (minor disciplinary infractions). Under paragraph 6.2.2, the respondent is not entitled to a board hearing.

2. **PERSONAL DATA:**

- a. Date and Term of Enlistment: 16 Jan 01, 6 Years;
- b. Total Active Federal Military Service Date: 16 Jan 01;
- c. Performance Reports: N/A.

3. **EVIDENCE FOR THE GOVERNMENT:**

- a. On 20 Sep 01, the Respondent failed to obey the order of the 81 TRW/CC by leaving the confines of Keesler Air Force Base, and being observed driving a privately owned vehicle off-base, for which he received a Letter of Reprimand, dated 26 Sep 01.
- b. On 13 Aug 01, the Respondent was observed sleeping on his post by [REDACTED], for which he received a Letter of Reprimand, dated 26 Sep 01. In addition, on the same day, [REDACTED] observed the Respondent as having a groomed beard in violation of his shaving waiver.
- c. On 8 Aug 01, the Respondent failed to attend a mandatory formation, for which he received a Letter of Counseling, dated 10 Aug 01.
- d. On 2 Jul 01, the Respondent drove a privately owned vehicle on base in violation of the Second Air Force Phase Program and then parked the vehicle in the 81 TRG/CC's parking space, for which he received a Letter of Reprimand, dated 3 Jul 01.

ATTORNEY WORK PRODUCT

This is a privileged document. Do not release in whole or in part without the express permission of the Staff Judge Advocate.

e. On 30 Jun 01, the Respondent failed to adhere to the posted curfew of the Second Air Force Phase Program, for which he received a Letter of Counseling, dated 3 Jul 01.

f. On 20 Apr 01, the Respondent addressed a student leader as a "punk ass" after being addressed by him for talking in formation, for which he received a Letter of Counseling, dated 24 Apr 01.

g. On 13 Mar 01, the Respondent violated the Second Air Force Phase Program by not having any AETC Form 341 on his person, and having a cell phone in uniform as noted on AETC Form 341 by [REDACTED] dated 13 Mar 01.

4. **EVIDENCE FOR THE RESPONDENT**: This 19-year old airman is in his first enlistment and has AQE scores as follows: A - 63, E - 67, G - 66, M - 45. The Respondent waived his right to consult with counsel, and elected not to submit a written response for the commander's consideration.

5. **DISCUSSION**: This file is legally sufficient. The Respondent had various disciplinary infractions throughout his time on station. We concur with the 332 TRS/TRM's recommendation of a general discharge. If a member's service has been honest and faithful, a general discharge is warranted when significant negative aspects of the member's conduct or performance of duty outweigh positive aspects of the member's military record. Respondent's behavior warrants such a characterization. We also concur with 332 TRS/TRM's recommendation against offering respondent probation and rehabilitation. The respondent has been given opportunities to improve, and to this date fails to show any improvement. Further attempts at probation and rehabilitation would likely prove unsuccessful.

6. **OPTIONS**: As the Separation Authority your options are:

a. If you determine this separation action is not supported by the evidence, direct that it be discontinued, and direct the respondent be retained in the Air Force.

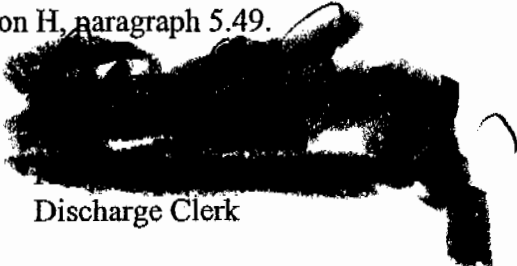
b. If you determine this separation action has been brought under an inappropriate section of AFI 36-3208, direct reinitiation under a more appropriate section.

c. If you determine this separation action is supported by the evidence, approve the separation action and direct the respondent be given a general discharge, with or without probation and rehabilitation, for minor disciplinary infractions under the provisions of AFI 36-3208, paragraph 5.49.

d. If you determine this separation action is supported by the evidence, but believe an honorable discharge is appropriate, make that recommendation and forward the file to 2 AF/CC for further disposition.

e. If you determine that an under other than honorable conditions discharge is appropriate under paragraph 5.49, direct a discharge board be convened, and forward the file to 332 TRS/TRM for processing.

7. **RECOMMENDATION:** Approve respondent's separation with a general service characterization, without probation and rehabilitation, for minor disciplinary infractions under the provisions of AFI 36-3208, Chapter 5, Section H, paragraph 5.49.

A large, irregular black redaction mark covering a signature.

Discharge Clerk

I concur.

A large, irregular black redaction mark covering a signature.

USAF

Acting Chief, Administrative Discharge Branch

Attachment
Case File



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

5 Oct 01

MEMORANDUM FOR AB [REDACTED]

FROM: 332 TRS/TRM

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 discharge will be described as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 20 Sep 01, you failed to obey the order of the 81 TRW/CC by leaving the confines of Keesler Air Force Base, and being observed driving a privately owned vehicle off-base, for which you received a Letter of Reprimand on 26 Sep 01. (Atch 1, Appendix A w/atch)

b. On 13 Aug 01, you were observed sleeping on your post by [REDACTED] for which you received a Letter of Reprimand on 26 Sep 01. In addition, on the same day, [REDACTED] observed you as having a groomed beard in violation of your shaving waiver. (Atch 1, Appendix B w/atch)

c. On 8 Aug 01, you failed to attend a mandatory formation, for which you received a Letter of Counseling on 10 Aug 01. (Atch 1, Appendix C)

d. On 2 Jul 01, you drove a privately owned vehicle on base in violation of the Second Air Force Phase Program and then parked the vehicle in the 81 TRG/CC's parking space, for which you received a Letter of Reprimand, dated 3 Jul 01. (Atch 1, Appendix D w/atch)

e. On 30 Jun 01, you failed to adhere to the posted curfew of the Second Air Force Phase Program, for which you received a Letter of Counseling, dated 3 Jul 01. (Atch 1, Appendix E w/atchs)

f. On 20 Apr 01, you addressed a student leader as a "punk ass" after being addressed by him for talking in formation, for which you received a Letter of Counseling on 24 Apr 01. (Atch 1, Appendix F w/atchs)

g. On 13 Mar 01, you violated the Second Air Force Phase Program by not having any AETC Form 341 on your person, and having a cell phone in uniform as noted on AETC Form 341 by [REDACTED] dated 13 Mar 01. (Atch 1, Appendix G)

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 higher 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. Any special pay, bonuses, or education assistance funds may be subject to recoupment.
4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] at Bldg 0701, Room 102, on _____ at _____ hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by [REDACTED] by 1630 hours 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 81st Medical Group, Physical Exams on 9 Oct, 2001 at 0700 for the examination.
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 in Bldg 6950, CQ.
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
 USAF
 Commander, Military Training Flight

Attachments:

1. Supporting Documents
 - a. Letter of Reprimand, dated 26 Sep 01 w/atchs
 - b. Letter of Reprimand, dated 15 Aug 01 w/atchs
 - c. AF Form 174, dated 10 Aug 01 w/atchs
 - d. Letter of Reprimand, dated 3 Jul 01 w/atchs
 - e. AF Form 174, dated 3 Jul 01 w/atchs
 - f. AF Form 174, dated 24 Apr 01 w/atchs
 - g. AETC Form 341, dated 13 Mar 01
2. Airman's Receipt of Notification Memorandum
3. Airman's Statement
4. Medical Examination