

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>AB</b>	AFSN/SSAN <b>[REDACTED]</b>				
TYPE <b>GEN</b>	PERSONAL APPEARANCE		<b>X RECORD REVIEW</b>				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO						
	<b>X</b>						
<b>MEMBERS SITTING</b>			<b>VOTE OF THE BOARD</b>				
			HON	GEN	UOTHC	OTHER	DENY
<b>[REDACTED]</b>							<b>X</b>
							<b>X</b>
							<b>X</b>
							<b>X</b>
							<b>X</b>
ISSUES <b>A94.53, A92.37, A93.19</b>		INDEX NUMBER <b>A67.90</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>			
HEARING DATE <b>02-12-09</b>		CASE NUMBER <b>FD2002-0268</b>		<b>1</b>	ORDER APPOINTING THE BOARD		
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE		
				<b>3</b>	LETTER OF NOTIFICATION		
				<b>4</b>	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 RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
REMARKS  <b>Case heard at Washington, D.C.</b>  <b>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.</b>							
SIGNATURE OF RECORDER <b>[REDACTED]</b>			SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>				
INDORSEMENT				DATE: <b>02-12-10</b>			
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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0268

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for a pattern of misconduct prejudicial to good order and discipline. He had three Letters of Reprimand, two Articles 15, a vacation of suspended punishment, and an Unfavorable Information File. His misconduct included failure to obey an order, breaking restriction, failing to conduct a thorough through-flight inspection, and three instances of underage drinking. These offenses occurred over a 9-month period and although member was counseled repeatedly and given numerous opportunities to improve and change his negative behavior, he was unable or unwilling to do so. At the time of the discharge, applicant waived his right to submit statements in his own behalf. The Board found applicant's repeated misconduct was a significant departure from the standards expected of all airmen, therefore, no inequity or impropriety was found in his 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 AB) (HGH A1C)

(MISSING DOCUMENTS)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/12/07 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 82/08/14. Enlmt Age: 17 0/12. Disch Age: 19 3/12. Educ: HS DIPL. AFQT: N/A. A-45, E-46, G-36, M-57. PAFSC: 2A333B - TAC Aircraft Maintenance Apprentice. DAS: Unknown.

b. Prior Sv: (1) AFRes 99/08/24 - 00/07/18 (10 months 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 00/07/19 for 6 yrs. Svd: 01 Yr 04 Mos 19 Das, all AMS.

b. Grade Status: AB - 01/11/16 (Article 15, 01/11/16).  
AMN - 01/08/22 (Article 15, Vacation, 01/09/25).  
A1C - 01/01/19.

c. Time Lost: None.

d. Art 15's: (1) 01/11/16, Luke AFB, AZ - Article 92. You, who knew of your duties, between on or about 11 Nov 01 and on or about 12 Nov 01, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21, as it was your duty to do. Reduction to the grade of AB. (No appeal) (No mitigation)

(2) 01/09/25, Vacation, Luke AFB, AZ - Article 92. You, who knew of your duties, on or about 26 Aug 01, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21, as it was your duty to do. Reduction to Amn. (No appeal) (No mitigation)

(3) 01/08/22, Luke AFB, AZ - Article 92. You, who knew of your duties, on or about 29 Jul 01, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of twenty-one, as it was your duty to do. Suspended reduction to Amn, and 30 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 24 SEP 01 - Failed to conduct a thorough aircraft thru-flight inspection.  
LOR, 18 MAR 01 - Breaking restriction.  
LOR, 15 MAR 01 - Failure to obey an order.

f. CM: None.

g. Record of SV: None.

(Discharged from Luke AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (03) Mos (14) Das  
TAMS: (01) Yrs (04) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/06/17.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**  
None.

02/09/26/ia



DEPARTMENT OF THE AIR FORCE  
56th Fighter Wing (AETC)  
Luke Air Force Base Arizona

FD2002-0268

MEMORANDUM FOR 56 FW/CC

29 NOV

FROM: 56 FW/JA

SUBJECT: Legal Review of Administrative Discharge [REDACTED]  
377-02-9764, 309 FS

1. ACTION: This case is before you for review and action in your capacity as the separation authority. The 309 FS/CC recommends the Respondent be separated from the United States Air Force with a general discharge without probation and rehabilitation pursuant to AFI 36-3208, paragraph 5.50.2 for a Pattern of Misconduct. I concur.
2. BACKGROUND: The Respondent is 19 years old and has been on active duty in the United States Air Force for approximately 1 year and 3 months. He is currently serving a 6-year enlistment. His AQE scores are: Admin - 45; Elect - 46; Gen - 36; and Mech - 57. The Respondent's awards and decorations include the Air Force Training Ribbon.
3. FACTS: The following actions from the Respondent's current enlistment establish a pattern of misconduct under paragraph 5.50.2:
  - a. On 15 Mar 01, the Respondent failed to obey an order by refusing to write an essay directed by SSGT Miller. He received a Letter of Reprimand.
  - b. On 17 Mar 01 and 18 Mar 01, the Respondent broke restriction. He received a Letter of Reprimand and an Unfavorable Information File (UIF) was established.
  - c. On 29 Jul 01, the Respondent was derelict in the performance of his duties by consuming alcohol while under the legal age of 21. He received an Article 15 and his punishment included a suspended reduction to the grade of E-2 and 30 days extra duty.
  - d. On 26 Aug 01, the Respondent was derelict in the performance of his duties by consuming alcohol while under the legal age of 21. He received a Vacation of Suspended Nonjudicial Punishment and reduction to the grade of E-2.
  - e. On 24 Sep 01, the Respondent failed to conduct a thorough aircraft thru-flight inspection. He received a Letter of Reprimand.
  - f. Between 11 Nov 01 and 12 Nov 01, the Respondent was derelict in the performance of his duties by consuming alcoholic beverages while under the age of 21. He received an Article 15 and his punishment included reduction to the grade of E-1.

--Attorney Work Product--

This work product has been prepared by an attorney in the course of performing legal duties on behalf of a client, and is not to be provided to anyone outside the Air Force without approval of the originator or higher authority. It is exempt from disclosure under the Freedom of Information Act under 5 U.S.C. §552(b)(5) and protected from release under FRCP 26(b)(3).

4. RESPONDENT'S MATTERS: The Respondent has met with military defense counsel and waived his right to submit matters.

5. CHARACTERIZATION OF DISCHARGE: The Respondent's commander recommends a general service characterization for [REDACTED] term of service. A general (under honorable conditions) characterization of service is appropriate if the airman's service has been honest and faithful, and if significant negative aspects of the airman's conduct or duty performance outweigh the positive aspects of his record. The evidence in this case clearly supports the commander's recommendation. The Respondent has received three Letters of Reprimand, two Article 15s, and a Vacation of Suspended Nonjudicial Punishment during his enlistment. The negative aspects outweigh the positive aspects of his service record; therefore, a general discharge is appropriate.

6. PROBATION AND REHABILITATION (P&R): P&R, in accordance with AFI 36-3208, Chapter 7, would be inappropriate in this case and is clearly contrary to the best interests of good order and discipline. [REDACTED] has been unwilling or unable to respond to past rehabilitative efforts and there is no evidence to suggest that further attempts to correct his behavior would be effective.

7. LEGAL SUFFICIENCY: There is a sufficient factual basis to support this discharge. Further, this file has been prepared in substantial compliance with the provisions of AFI 36-3208. Finally, the Respondent has been notified of this discharge, has met with the Area Defense Counsel and elected not to submit a statement concerning this action. For these reasons, we find this case file legally sufficient.

8. OPTIONS: As the separation authority you have the following options:

- a. Retain the Respondent; or
- b. Separate the Respondent with a general discharge, with or without probation and rehabilitation; or
- c. Forward the case to 19 AF/CC recommending the Respondent receive an honorable discharge, with or without probation and rehabilitation; or
- d. If you feel an under other than honorable conditions discharge is appropriate, return the package to the squadron for processing in accordance with administrative discharge procedures.

9. RECOMMENDATION: Based on the foregoing, I recommend you separate the Respondent from the United States Air Force with a general discharge without probation and rehabilitation.

[REDACTED]  
Staff Judge Advocate