

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE A1C	AFSN/SSAN ██████████
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW
COUNSEL YES NO X		NAME OF COUNSEL AND OR ORGANIZATION ████████████████████	
		ADDRESS AND OR ORGANIZATION OF COUNSEL ████████████████████	
MEMBERS SITTING		VOTE OF THE BOARD	
		HON	GEN
		UOTHC	OTHER
		DENY	
████████████████████			X
████████████████████			X
████████████████████			X
████████████████████			X
████████████████████			X
████████████████████			X
ISSUES A93.01	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 NOV 02	CASE NUMBER FD2002-0273	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 RATIONAL 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, and the right to submit an application to the AFBCMR.			
SIGNATURE OF RECORDER ████████████████████		SIGNATURE OF BOARD PRESIDENT ████████████████████	
INDORSEMENT		DATE: 15 NOV 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

FD02-0273

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

ISSUE: Applicant is not contesting the discharge. He admits he made some bad decisions and mistakes and they were due to him immaturity and lack of self-control. The record indicates the applicant received two Article 15's. The first one for sleeping at his post. The second one for failure to go. In addition, the applicant received six Letters of Reprimand for failure to go (twice), financial irresponsibility, violation of dress and appearance standards (twice), and failure to have the required equipment on during an element guard mount. And, three Letters of Counseling for failure to go (twice) and writing a bad check. The DRB took note of the applicant's duty performance as documented by his performance reports and other information contained in the record. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the 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

MISSING DOCUMENTS

[REDACTED]
(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 97/11/21 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 76/07/18. Enlmt Age: 17 10/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-54, E-60, G-46, M-63. PAFSC: 3P051 - Security Journeyman. DAS: 95/06/11.

b. Prior Sv: (1) AFRes 94/05/31 - 95/01/10 (7 Mos 10 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 95/01/11 for 4 yrs. Svd: 2 Yrs 10 MoS 11 Das, all AMS.

b. Grade Status: A1C - 97/10/21 (Article 15, 97/10/21)
SRA - 97/05/11

c. Time Lost: None.

d. Art 15's: (1) 97/10/21, Barksdale AFB, LA - Article 86. You did, on or about 23 Sep 97, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to the grade of A1C, and 14 days restriction. (No appeal) (No mitigation)

(2) 95/08/15, Barksdale AFB, LA - Article 113. In that you, on or about 4 Aug 95, while on post as a sentinel in the Weapons Storage Area fell asleep at your post. This misconduct was discovered by a security police patrol which drove up to you where you sat, walked up to your chair, and removed your weapon from across your legs before you awoke. Suspended reduction to the grade of AMN, and forfeiture of \$100.00 pay. (No appeal) (No mitigation)

e. Additional: (EXAMINER'S NOTE: INDIVIDUAL DOCUMENTS MISSING FROM FILE)
LOR, 21 OCT 97 - Failure to go.
LOR, 10 SEP 97 - Financial irresponsibility.
LOR, 24 AUG 97 - Violation of dress and appearance standards.
LOR, 16 AUG 97 - Failure to have the required equipment on during an element guardmount.

LOR, 12 AUG 97 - Violation of dress and appearance standards.
LOC, 02 JUN 97 - Failure to go.
LOC, 14 MAY 97 - Bad Check.
LOR, 07 DEC 95 - Failure to go.
LOC, 23 OCT 95 - Failure to go.

f. CM: None.

g. Record of SV: 95/01/11 - 96/07/15 Barksdale AFB 4 (HAF Dir)
96/07/16 - 97/07/15 Barksdale AFB 4 (Annual)

(Discharged from Barksdale AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA W/1DEV.

i. Stmt of Sv: TMS: (3) Yrs (5) Mos (21) Das
TAMS: (2) Yrs (10) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/06/20.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. Personal Statement to the AF Discharge Review Board.
2. DD Form 214.
3. JROTC Citation and Medal Award.
4. Certificate of Completion.
5. US Navy Certificate of Completion.
6. US Navy JROTC Distinguished cadet Award.
7. Letter of Invitation.

02/10/02/cr

12 November 1997

MEMORANDUM FOR 2 BW/CC

FROM: 2 BW/JA (SrA [REDACTED])

SUBJECT: Review of Recommendation to Involuntarily Discharge
A1C [REDACTED] FR [REDACTED] 2 SFS

1. The section commander of the 2nd Security Forces Squadron (2 SFS), Capt [REDACTED] recommends that A1C [REDACTED] be involuntarily discharged for minor disciplinary infractions, pursuant to AFI 36-3208, para 5.49. He recommends an under honorable conditions (general) discharge without Probation and Rehabilitation (P&R). Because of A1C [REDACTED] limited tenure/rank, he is not entitled to a discharge board. Therefore, his case is being processed under the notification procedures. We have reviewed the complete file and recommend that A1C [REDACTED] be separated with an under honorable conditions (general) discharge and that he not be offered P&R.
2. Airmen serve in the Regular Air Force for terms specified by Congress (10 U.S.C. 505), but Congress permits early separations under certain specified conditions. Congress delegated to the Secretary of the Air Force the authority to specify other such conditions (10 U.S.C. 1169). The Secretary implemented that delegation in AFI 36-3208, which governs this case.
3. We examined the complete record and found no procedural deficiencies. Airman First Class Horner was informed of his section commander's recommendation, his right to consult counsel, and his other procedural rights.
4. Captain [REDACTED] specified minor disciplinary infractions as the basis for discharge. Specifically, A1C [REDACTED] failed to report for duty at the prescribed time, failed to pay just debts, failed to maintain sufficient funds in his account to cover the checks he wrote, wore black fingernail polish while in uniform, and failed to keep his hair within Air Force Standards.

ATTORNEY WORK PRODUCT

This is a privileged document. It will not be released in whole or part without the approval of the Staff Judge Advocate

He is unwilling or unable to alter his conduct to conform to acceptable Air Force standards. Airman First Class [REDACTED] conduct demonstrates a lack of self-discipline and respect for military standards of conduct which makes him an unlikely candidate for continued military service.

5. Airman First Class [REDACTED] has waived his right to submit matters for your consideration.

6. If you decide to discharge A1C [REDACTED], you must also decide the appropriate service characterization. Captain [REDACTED] recommends an under honorable conditions (general) discharge. An under honorable conditions (general) discharge is appropriate when significant negative aspects of an airman's conduct or performance of duty outweigh positive aspects of the airman's military record (AFI 36-3208, Para 1.18.2). In this case, an under honorable conditions (general) discharge is warranted by A1C [REDACTED] record and will accurately characterize his service. In response to each disciplinary infraction, the commander who heard the presentation and reviewed all of the relevant evidence decided that A1C [REDACTED] committed the charged offenses and appropriately punished him. As you can see from the Letter of Notification and its attachments, the negative aspects of A1C [REDACTED] record outweigh the positive aspects.

7. Finally, you must also consider whether to suspend discharge for a period of P&R. AFI 36-3208, Chapter 7, provides that P&R should be possible for airmen (1) who have demonstrated a potential to serve satisfactorily; (2) who have the capacity to be rehabilitated for continued military service or for completion of the current enlistment and returned to civilian life without the stigma of discharge for cause; and (3) whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline. Airman First Class [REDACTED] was not rehabilitated by his unit's prior attempts, and it is evident that he doesn't have the desire to be rehabilitated. The section commander recommends against P&R, and the preponderance of the evidence supports his recommendation against offering P&R.

8. As the Separation Authority, you may:

a. Retain A1C [REDACTED] if you find that discharge is not warranted by the evidence or under the circumstances;

b. Separate A1C [REDACTED] with an under honorable conditions (general) discharge, with or without P&R;

c. Recommend to the Commander, 8th Air Force, that A1C [REDACTED] be separated with an honorable discharge; or

ATTORNEY WORK PRODUCT

This is a privileged document. It will not be released in whole or part without the approval of the Staff Judge Advocate

d. Direct that A1C [REDACTED] be given the opportunity to present his case before an administrative discharge board, if you find that discharge under other than honorable conditions (UOTHC) is warranted.

10. RECOMMENDATION: You separate A1C [REDACTED] from the United States Air Force with an under honorable conditions (general) discharge without P & R.

[REDACTED], Capt, USAF
Assistant Staff Judge Advocate

I concur.

[REDACTED], Lt Col, USAF
Staff Judge Advocate

ATTORNEY WORK PRODUCT

This is a privileged document. It will not be released in whole or part without the approval of the Staff Judge Advocate.

MEMORANDUM FOR SRA [REDACTED], FR [REDACTED]

FROM: 2 SFS/CCQ

SUBJECT: Notification Letter - Administrative Discharge

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, para 5.49. If my recommendation is approved, your service will be characterized as under honorable conditions (general) or honorable. I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On or about 18 Oct 97, you failed to report for duty at the prescribed time, as evidenced by a Letter of Reprimand (LOR), dated 21 Oct 97 (atch 1);

b. On or about 23 Sep 97, you failed to report for duty at the prescribed time, as evidenced by an Article 15, dated 21 Oct 97 (atch 2);

c. On or about 9 Sep 97, you failed to keep your Deferred Payment Plan (DPP) account current, as evidenced by an LOR, dated 10 Sep 97 (atch 3);

d. On or about 22 Aug 97, you were at the Tobacco Rack in uniform wearing black finger nail polish while in uniform, as evidenced by an LOR, dated 24 Aug 97 (atch 4);

e. On or about 16 Aug 97, you failed to have the required equipment on during an element guardmount, as evidenced by an LOR, dated 16 Aug 97 (atch 5);

f. On or about 12 Aug 97, your hair was below the minimum Air Force Standards, as evidenced by an LOR, as evidenced by an LOR, dated 12 Aug 97 (atch 6);

g. On or about 2 Jun 97, you failed to report for duty at the prescribed time, as evidenced by a Letter of Counseling (LOC), dated 2 Jun 97 (atch 7);

h. On or about 23 Mar 97, you wrote a bad check in the amount of \$48.60 to a Scott's Audio and Trim Design, as evidenced by an LOC, dated 14 May 97 (atch 8);

i. On or about 1 Dec 95, you failed to report for duty at the prescribed time, as evidenced by an LOR, dated 7 Dec 95 (atch 9), and

j. On or about 19 Oct 95 you failed to report for duty at the prescribed time, as evidenced by an LOC, dated 23 Oct 95 (atch 10).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. 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 re-enlistment 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 with Capt [REDACTED], Area Defense Counsel, Bldg 4714 (gym annex building), third floor, on 10 Nov 97 at 1430 hours. 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 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 to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You have had a medical examination within the last two years, therefore, you are not required to have final medical examination.

7. You have been scheduled for a Pre-separation Counseling briefing. You must report to the Family Support Center, Bldg 4713, at 0830 hrs on 13 Nov 97 for the briefing.

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 your unit Orderly room.

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

[REDACTED] Capt, USAF
Section Commander, 2 SFS