

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE SRA	AFSN/SSAN ██████████
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">NO</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	NO		X		
YES	NO					
	X					

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
██████████					X
██████████					X
██████████					X
██████████					X
██████████					X

ISSUES A92.21, A94.05	INDEX NUMBER A67.90	EXHIBITS SUBMITTED TO THE BOARD	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
HEARING DATE 19 FEB 03	CASE NUMBER FD2002-0449	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 with/without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER ██████████	SIGNATURE OF BOARD PRESIDENT ██████████
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INDORSEMENT	DATE: 19 FEB 03
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0449

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.

The applicant's issues are listed in the attached brief.

ISSUE: The applicant does not contest the discharge; he mentions his post-service activities and the fact that he would like the GI Bill. The record indicates the applicant received three Records of Individual Counseling, two Letter's of Counseling and eight Letter's of Reprimand for traffic tickets (three), driving with expired registration (twice), failure to register vehicle on base, failure to pay just debts, failure to go, late for work, failure to complete a given task, speeding ticket, dereliction of duty, late for an appointment, disrespectful, failed dorm room inspection, failure to report for duty and financial irresponsibility. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service. The Board was sympathetic to the impact the loss of the GI Bill benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade. The Board concluded the discharge was appropriate for the reasons that were the basis for this case. No inequity or impropriety in his discharge was suggested or found in the course of the records review. His misconduct was a significant departure from conduct expected of all military members. The Board concluded that the character and reason for discharge were appropriate due to his misconduct.

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 or change the reason for 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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 4 NOV 96 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 27 Nov 72. Enlmt Age: 19 0/12. Disch Age: 23 11/12. Educ: HS DIPL. AFQT: N/A. A-77, E-42, G-48, M-31. PAFSC: 3A051 - Information Management Journeyman. DAS: 11 Jan 95.

b. Prior Sv: (1) AFRes 5 Dec 91 - 9 Feb 92 (2 months 5 days) (Inactive).

(2) Enlisted as AB 10 Feb 92 for 4 yrs. Svd: 3 yrs 1 month 27 days, all AMS. AMN - 10 Aug 92. A1C - 10 Jun 93. SRA - 10 Feb 95. EPRs: 4,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 7 Apr 95 for 4 yrs. Svd: 1 Yr 6 Mos 28 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional:

- LOC, 27 SEP 96 - Financial irresponsibility.
- LOR, 10 SEP 96 - Failure to report for duty.
- LOR, 28 AUG 96 - Failed dorm room inspection.
- LOR, 10 JUL 96 - Failure to obey orders.
- RIC, 13 JUN 96 - Late for appointment and disrespect.
- LOR, 13 JUN 96 - Dereliction of duty.
- RIC, 08 JUL 96 - Speeding ticket.
- RIC, 23 OCT 95 - Late for work and failure to complete a given task.
- LOR, 04 AUG 95 - Failure to go to scheduled appointment.
- LOR, 04 AUG 95 - Driving with expired registration and falsified official documents.
- LOR, 28 JUL 95 - Failure to pay just debt.
- LOC, 28 JUL 95 - Driving with expired registration and failure to register vehicle on base.
- TRAFFIC TICKET, 24 JUL 95 - Driving with expired tags.
- TRAFFIC TICKET, 23 MAY 95 - Speeding.
- TRAFFIC TICKET, 09 APR 95 - Driving without a drivers license and car seat for child.

f. CM: None.

g. Record of SV: 29 Oct 94 - 28 Oct 95 Wright-Patterson AFB 3 (Annual)

(Discharged from Wright-Patterson AFB)

h. Awards & Decs: AFAM, AFLSAR, AFTR, AFOSSTR, NDSM, AFOUA W/1 DEV,
AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (11) Mos (0) Das
TAMS: (4) Yrs (8) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Oct 02.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

24JAN03/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I feel that my discharge should be upgraded to an honorable due to it being six years later, as well as since I've been out I've been working as a base contractor and now I'm working for the state of Georgia as a Group Home assistant administrator. I feel that my discharge should be upgraded because of the fact that I would like to further my education so that I can provide for my two children better than I am now. I feel that I was discharged from service without proper notification or reason. I was never informed of the reason of my discharge from service by my section commander (Fluharty) McFree or by my first sergeant (M. Set Commander) and I was never allowed to speak with him concerning my discharge. I was not allowed to properly have my discharge. I was brought back from Saudi Arabia and told by my first sergeant that they had a package in on me for approximately two weeks. These individuals discharged not eight days before my first child was born and would allow me that time. I needed to find a job to take care of my child. I looked at my copies and I also see that they passed out things on my rebuttal on paper work that they tried to give me. I did not receive any article 15's. I committed some mistakes just like all young airment but I want

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

02/01/0

SIGNATURE

UPON COMPLETION, MAIL THIS APPLICATION TO THE FOLLOWING ADDRESS BELOW

ARMY
Army Review Boards Agency
Support Division, St. Louis
ATTN: SFMR-RBR-SL
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY & MARINE CORPS
Naval Council of Personnel Boards
720 Kennon Street, S.E.
Rm. 309 (NDRB)
Washington Navy Yard, DC
20374-5023

AIR FORCE
SAF/MIBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD
Commandant (G-WPM)
2100 Second Street, S.W.
Washington, DC 20593-0001

(Cont. section 8)

treated properly by my supervisor, first sergeant, or by my section commander. They allowed me to reenlist then red lined my staff testing, denied any leave that I needed to take to try to find a job to support my child after she was born. I just feel that I have been punished enough and would just like to continue to progress in life for myself as well as my children

Thank You





DEPARTMENT OF THE AIR FORCE

HEADQUARTERS, 88TH AIR BASE WING (AFMC)
WRIGHT-PATTERSON AIR FORCE BASE, OHIO

2002-0449

OCT 18 1996

MEMORANDUM FOR [REDACTED]

FROM: 88 CEG/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct - Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2 If my recommendation 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:

- a. On or about 9 Apr 95 you were driving without a drivers license and did not have a car seat for a child for which you received a traffic ticket and was counseled.
- b. On or about 23 May 95 you was driving at an unreasonable rate of speed for which you received a traffic ticket and was counseled.
- c. On or about 13 Jul 95 you was driving with expired registration to your vehicle and you failed to register your vehicle on base for which you received a Letter of Counseling on 28 Jul 95.
- d. On or about 13 Jul 95 you was driving with expired registration to your vehicle and falsified an official document for which you received a traffic ticket and received a Letter of Reprimand on 4 Aug 95.
- e. On or about 24 Jul 95 you was driving with expired tags for which you received a traffic ticket.
- f. On or about 13 Jul 95 you failed to pay your just debts ie., your car payment. You received a Letter of Reprimand on 28 Jul 95.
- g. On or about 3 Aug 95 you failed to go to scheduled appointment for which you received a Letter of Reprimand of 4 Aug 95 and an UIF was established.
- h. On or about 7 Jun 95 you reported to work late and on or about 19 Oct 95 you failed to complete a given task for which you received a Letter of Counseling on 23 Oct 95.

- i. On or about 12 May 96 you was driving at an unreasonable rate of speed for which you received a traffic ticket and a Letter of Counseling on 8 Jul 96.
- j. On or about 22 May 96 you failed to secure the random urinalysis roster for which you received a Letter of Reprimand on 13 Jun 96.
- k. On or about 10 Jun 96 you was late for a mandatory meeting and showed lack of respect for authority for which you received a Letter of Counseling on 13 Jun 96.
- l. On or about 1 Jul 96 you failed to follow a written order for which you receive a Letter of Reprimand/UIF on 10 Jul 96.
- m. On or about 9 Aug 96 you failed to report for duty for which you received a Letter of Reprimand on 10 Sep 96
- n. On or about 12 Aug 96 you failed your dorm inspection for which you received a Letter of Reprimand on 28 Aug 96.
- o. On or about 26 Sep 96 your account with AAFES was delinquent for which you received a Letter of Counseling on 27 Sep 96.

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 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.

4. 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 Capt. [redacted] at the Area Defense Counsel's office, Building 268, Area C, Wright-Patterson AFB OH, Telephone 77841 on 18 Oct 96 at 0930. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 23 Oct 96 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 74 Medical Group, Aerospace Medicine, Building 830, Wright-Patterson AFB OH at 0800 on 21 Oct 96 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 the orderly room.



1. Traffic Ticket, 9 Apr 95
2. Traffic Ticket, 23 May 95
3. LOC, 28 Jul 95
4. LOR, 4 Aug 95
5. Traffic Ticket 13 Jul 95
6. Traffic Ticket, 31 Jul 95
7. LOR, 28 Jul 95
8. LOR/UIF, 4 Aug 95
9. Traffic Ticket, 28 Jul 95
10. Revocation Ltr, 13 Sep 95
11. Suspension Ltr, 4 Oct 95
12. LOC, 23 Oct 95
13. MFR, 25 Oct 95
14. Financial Ltr, 1 Nov 95
15. AAFES, 26 Jan 96
16. Traffic Ticket, 12 May 96
17. LOC, 8 Jul 96
18. MFR, 24 May 96
19. LOR, 13 Jun 96
20. LOC, 13 Jun 96
21. LOR/UIF, 10 Jul 96
22. LOR, 10 Sep 96
23. LOR, 28 Aug 96
24. LOC, 27 Sep 96