

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 150px; height: 15px; margin-top: 5px;"></div>		GRADE AMN	AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px; margin-top: 5px;"></div>			
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	X					
MEMBERS SITTING		VOTE OF THE BOARD				
		NON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A92.21, A93.01, A93.07, A94.05, A94.11		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 MAY 03		CASE NUMBER FD00-00263		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 Andrews AFB, MD Advise applicant of the decision of the Board and his right to appeal to the Board for Correction of Military Records.						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT			
INDORSEMENT				DATE: 29 MAY 03		
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

FD2002-0221

GENERAL: The applicant appeals for upgrade of discharge to Honorable

The applicant's case was considered by the Discharge Review Board (DRB), at Andrews AFB MD, on May 15, 2003. The applicant did not appear.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The DRB denies the requested relief.

The DRB finds that the evidence of record and that provided by the applicant does not substantiate an inequity or an impropriety that would justify an upgrade of the discharge.

ISSUES: The applicant was discharged with General service characterization from the Air Force for minor disciplinary infractions. He has two letters of reprimand for unauthorized absence and for failure to obey orders. He has nine records of individual counseling: four for failing to maintain safety standards, two for failure to go, two for unsatisfactory duty performance, and one for unsatisfactory personal appearance. Finally, the applicant has one Article 15 for leaving his place of duty without authorization. He raises three issues in his application. He indicates first that personal problems (marital trouble) and youth contributed to his misconduct. Second, that his punishments and disciplinary actions were exaggerated by a commander and superintendent who wanted to make an example of him. Finally, he argues that his post-service accomplishments paint a better picture of the ability, dedication, and patriotism that really defines him as a person—today and when he was in the Air Force.

CONCLUSIONS: The Discharge Review Board (DRB) concluded that none of the issues have merit. It may be that his personal problems and immaturity contributed to his misconduct, but the record indicates he was given an extraordinary number of chances to overcome those problems. Moreover, thousands of young airmen have similar difficulties and never engage in even a fraction of the applicant's misbehavior. The number of opportunities the applicant was given to comply with standards also cuts against the argument he was made an example of. According to the record, the command took repeated disciplinary action against him only because he repeatedly engaged in misconduct. Based on the descriptions of the various instances of misconduct in the record, the disciplinary action taken was appropriate and in some cases, forgiving. As for his post-service conduct, his accomplishments are laudable and his effort to make a life for himself and family despite his discharge is commendable. However, this by itself is not enough to undo the earlier action. Upgrading the discharge characterization based on nothing more than post-service conduct would be viewed as clemency or a pardon, authority the DRB is not permitted to exercise. In short, without an inequity or impropriety, the DRB cannot upgrade the characterization.

Having found no inequity or impropriety, the DRB declines to upgrade the discharge or change any other aspect of the applicant's record. The requested relief is denied.

Attachment:
Examiner's Brief

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (28) Das
TAMS: (1) Yrs (10) Mos (5) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 00/06/26.
(Change Discharge to Honorable)

Issue 1: I am writing this letter and sending in this form 293 with high hopes and just cause for the discharge status of my exit being upgraded from General- Under Honorable Conditions to Honorable. I feel I deserve the status change due to many factors.

First, at the time of my discharge, Operation Desert Shield/Storm was in progress. At Travis AFB, where I was stationed, work shifts were 12 hours per day, 7 days a week for almost 4 months. Also, I had been married, had a baby, and was dealing with my wife having an affair during all of this. I am not and never have blamed circumstances for my actions, but I do believe I was dealing with more stress and distress than normal. I had a long string of disciplinary problems, and at 19 I do not think I realized the severe nature of my attitude. I sure do now.

Next, due to the first encounter with my Chief Mater (sic) Sergeant and Lieutenant in Command, I believe I was singled out to be made an example of. Two other airmen in my flight had set me up for things I did not do. I was dorm chief in Basic Training and these two were "under" my authority. Actions not brought on by me set me in a very bad light to my superiors, forcing the normally average events caused by me into string of minor infractions that eventually became my discharge.

Also, I believe that a soldier or person with the intangibles like 'heart', 'dedication' and 'patriotism' are worth as much as an individual who cares of nothing but himself, yet portrays the image everyone thinks is cool and want to see from him.

I had then and have now heart enough to care about the people I was assigned with and about the most important job I was doing.

I was then and am now dedicated to the professionals I lead and was lead by, and to the country I swore to serve.

And I am now, but was then, Patriotic. . . about the whole reason I committed myself to The United States Air Force, our country and its people.

Last, I would like to point out that although these words are true and honest and heart-felt, the proof almost ten years later in my life should be what I've become. Wouldn't it be true that if I had become successful in my professional life that it would prove I wasn't really the type of person who deserved a General Discharge? Wouldn't the decision to upgrade my discharge be answered by time? And how I've proven myself to you over time? I have a very successful marriage with 2 beautiful, respectful, smart boys, one 8 and one 9. I am a Commercial, Airline Transport Pilot, well respected in the aviation industry. I

have been a F.A.A. government Aviation Instructor and Examiner. I've flown jets all over the world and here in the US as well. I have started my own business and it is growing much better than expected. I have enjoyed success well beyond my years of only 29, and I think this, along with my positive attitude and love for my country make for only one right decision. I hope you can see I am nothing if not Honorable.

Thank you for your time and consideration. I look forward to hearing from (sic) you very soon.

ATCH

1. Temporary Airman Certificate.
2. Six Training Certificates.
3. Two Letters of Appreciation.
4. Flight Officer Employment Recommendation.
5. Seven Letters of Recommendation.
6. Individual Experience Record.
7. Airman Computer Test Report.
8. Driving Record.
9. Identification documents.

00/07/19/ia

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 60TH AIRLIFT WING (AMC)

9 DEC 1992

FROM: JA (Capt [REDACTED] 4-0999)

SUBJ: Legal Review, AFR 39-10, Administrative Discharge -
[REDACTED]

TO: CC

1. Initiation of Action:

This action was initiated by the Section Commander, 60th Equipment Maintenance Squadron on 1 Dec 92, pursuant to AFR 39-10, Section H, paragraph 5-46, for misconduct (minor disciplinary infractions). The initiating Section Commander recommends a general discharge and does not recommend probation and rehabilitation (P&R).

2. Respondent's Personal Data:

A detailed summary of the respondent's personal data is contained in paragraph two of the Commander's Recommendation for Discharge letter.

3. Basis for Discharge:

a. On or about 9 Nov 92, the respondent failed to go to his appointed place of duty, for which he received an Article 15 dated 30 Nov 92, with punishment of a reduction to the grade of airman, and seven days extra duty.

b. On or about 4 Nov 92, after the respondent was placed on quarters for 48 hours, he failed to obey the DGMC medical practitioner's written order when he left his quarters to do personal errands, as evidenced by a DGMC Form 263. For this misconduct, the respondent received a Letter of Reprimand (LOR) dated 6 Nov 92, which documents were placed in an Unfavorable Information File (UIF).

c. On or about 8 Oct 92, the respondent failed to perform his assigned duties properly, resulting in a Record of Individual Counseling (RIC) on 9 Oct 92.

d. On or about 7 Oct 92, the respondent failed to maintain safety standards by not securing his respirator when he went to lunch, resulting in an RIC on 9 Oct 92.

e. On or about 30 Sep 92, the respondent failed to maintain safety standards after he was verbally counseled previously, resulting in an RIC on the same date.

f. Between on or about 30 Jul 92 and 4 Aug 92, the respondent failed to maintain safety standards by reporting to work without his safety equipment, resulting in an RIC on 7 Aug 92.

g. Between on or about 30 Jul 92 and 3 Aug 92, the respondent failed to comply with AFR 35-10 by not getting a haircut after he was told to do so, resulting in an RIC on 4 Aug 92.

h. On or about 6 Jul 92, after the respondent was verbally counseled on several occasions in the last 30 days, he again failed to maintain safety standards by not wearing his safety equipment, resulting in an RIC on the same date.

i. On or about 7 Mar 92, the respondent was late reporting for duty, resulting in an RIC on the same date.

j. On or about 17 Jan 92, the respondent failed to perform his assigned duties properly, resulting in an RIC on the same date.

k. Between on or about 6 Jan 92 and 9 Jan 92, the respondent failed to report to his appointed place of duty, resulting in an RIC on 10 Jan 92.

4. Respondent's Statement:

a. The respondent was informed of his right to submit statements in response to this action. He submitted a written statement in response to the Notification Letter. Previously, the respondent submitted an undated written endorsement in response to the Referral EPR dated 7 Oct 92, wherein he strongly felt he deserved an overall "3", instead of "2". His basis was during the time he received a higher rating based on the huge improvements in his job performance and the efforts he exerted to increase the quality and quantity of his work. He strongly disagreed with his rater's evaluation that he was an "inefficient and ineffective performer." The respondent felt he did not receive the proper training and the constant supervision a 3 level trainee should have. He also stated he completed his task timely, accurately and had displayed a self-confident attitude. He also considered himself to be a skilled organizer, a communicator and a satisfactory performer.

b. In his undated written statement, the respondent stated some of the misconduct listed in the Notification Letter were not completely true or were missing important information. If separated from the military, the respondent asks that his service be characterized as honorable instead of a general discharge so he will not lose some important benefits.

5. Errors or Irregularities: None.

6. Discussion:

a. This action is legally sufficient. The evidence in the case file supports the respondent's separation from the Air Force for misconduct (minor disciplinary infractions) under AFR 39-10, Section H, paragraph 5-46.

b. A general discharge in this case is appropriate. Such a discharge should not be characterized as honorable unless the respondent's record is so meritorious that any other characterization would be inappropriate. The respondent's record does not meet this standard. Since his enlistment on 2 Apr 91, this nineteen year old respondent received an Article 15, 2 LORs/UIFs, a Control Roster Action and several written counselings. The misconduct involves failure to obey on two separate occasions, several incidents of failure

to perform his assigned duties properly specifically on safety standards, tardiness, failure to comply with AFR 35-10, and a failure to go. His only EPR for this enlistment is a referral, with an overall rating of "2". Given the nature of the respondent's misconduct, his age and brief length of service, it is not likely that a board of officers would recommend a UOTHC discharge. Accordingly, I concur with the Commander's recommendation for a general discharge as characterization for this enlistment.

c. A program of probation and rehabilitation is not appropriate. Despite attempts to improve the respondent's behavior through a nonjudicial punishment, written reprimands, a Control Roster Action, a Referral EPR and several written counselings, he has not conformed his behavior to Air Force standards. These rehabilitative efforts have failed to produce any positive change in the respondent's behavior. Further efforts are unlikely to produce any positive change. Retention of the respondent, even in a probationary status, would be contrary to the maintenance of good order and discipline at Travis Air Force Base.

7. Barment:

There is nothing in the respondent's case file that would warrant barment. Should you desire to bar the respondent, please contact this office so the appropriate letter may be prepared.

8. Your Options Are:

- a. Retain the respondent;
- b. Discharge the respondent with a general discharge with or without a recommendation for P&R;
- c. Forward the case to 22 AF/CC with a recommendation for an honorable discharge with or without a recommendation for P&R; or
- d. If you believe an Under Other than Honorable Conditions Discharge is appropriate, direct reinitiation for processing according to AFR 39-10, Chapter 6, Section C (Board Hearing or Board Waiver).

9. Recommendation:

Discharge the respondent with a general discharge without P&R.


Staff Judge Advocate

- 2 Atch
- 1. Proposed Letter
 - 2. Case File (Ann Fletcher)

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 60TH AIRLIFT WING (AMC)

FROM: 60 EMS/CCQ

SUBJ: Notification Letter

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for misconduct (minor disciplinary infractions). The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 9 Nov 92, you did, at Travis Air Force Base, CA, fail to go to your appointed place of duty, for which you received an Article 15 dated 30 Nov 92, with punishment of a reduction to the grade of airman, and seven days extra duty.

b. On or about 4 Nov 92, after being placed on quarters for 48 hours by a DGMC medical practitioner, you failed to obey his written order by leaving your quarters to do personal errands, as evidenced by a DGMC Form 263. For this misconduct, you received a Letter of Reprimand (IOR), dated 6 Nov 92 which documents were placed in your existing Unfavorable Information File (UIF).

c. On or about 8 Oct 92 you failed to perform assigned duties properly, resulting in an Individual Record of Counseling (RIC) on 9 Oct 92.

d. On or about 7 Oct 92 you failed to maintain safety standards by not securing your respirator when you left for lunch, resulting in an RIC on 9 Oct 92.

e. On or about 30 Sep 92 you failed to maintain safety standards after you were verbally counseled previously, resulting in an RIC on the same date.

f. Between on or about 30 Jul 92 and 4 Aug 92 you failed to maintain safety standards by reporting to work without your safety equipments, resulting in an RIC on 7 Aug 92.

g. Between on or about 30 Jul 92 and 3 Aug 92 you failed to comply with AFR 35-10 by not getting a haircut after being told to do so, resulting in an RIC on 4 Aug 92.

h. On or about 6 Jul 92, after you were verbally counseled on several occasions in the last 30 days, you again failed to maintain safety standards by not wearing your safety equipments, resulting in an RIC on the same date.

i. On or about 7 Mar 92 you were late reporting for duty, resulting in an RIC on the same date.

- a. Article 15, 30 Nov 92
 - b. LOR/UIF, 6 Nov 92
 - c. RIC, 9 Oct 92
 - d. RIC, 9 Oct 92
 - e. RIC, 30 Sep 92
 - f. RIC, 7 Aug 92
 - g. RIC, 4 Aug 92
 - h. RIC, 6 Jul 92
 - i. RIC, 7 Mar 92
 - j. RIC, 17 Jan 92
 - k. RIC, 10 Jan 92
 - l. LOR/UIF, 22 Oct 91
2. Other Derogatory Data
- a. Referral EPR, 7 Oct 92
 - b. MSgt ██████████ Stmt, 20 Jul 92
 - c. Sgt ██████████ Stmt. 20 Jul 92
 - d. Official Reprimand, 16 Sep 91

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
[REDACTED]
(Former AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 92/12/11 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 71/01/13. Enlmt Age: 19 11/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-83, E-62, G-74, M-67. PAFSC: 45832 - Apprentice Aircraft Structural Maintenance Specialist. DAS: 91/08/07.

b. Prior Sv: AFRes 90/12/14 - 91/02/06 (1 month 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 91/02/07 for 4 yrs. Svd: 1 Yrs 10 Mo 5 Das, all AMS.

b. Grade Status: AMN - 92/11/30 (Article 15, 92/11/30)
A1C - 92/06/07
AMN - 91/08/07

c. Time Lost: none.

d. Art 15's: (1) 92/11/30, Travis AFB, CA - Article 86. You, did, o/a 09 Nov 92, w/o auth, go from your appointed place of duty. Rdn to Amn, and 7 days extra duty.
(No appeal) (No mitigation)

e. Additional: LOR, 06 NOV 92 - Failure to obey orders.
RIC, 09 OCT 92 - Unsatisfactory duty performance..
RIC, 09 OCT 92 - Failure to maintain safety standards.
RIC, 30 SEP 92 - Failure to maintain safety standards.
RIC, 07 AUG 92 - Failure to maintain safety standards.
RIC, 04 AUG 92 - Unsatisfactory personal appearance.
RIC, 06 JUL 92 - Failure to maintain safety standards.
RIC, 07 MAR 92 - Late for duty.
RIC, 17 JAN 92 - Unsatisfactory performance.
RIC, 10 JAN 92 - Failure to go.
LOR, 22 OCT 91 - Unauthorized absence.

f. CM: none.

g. Record of SV: 91/02/07 92/10/06 Travis AFB 2 (Initial) REF
(Discharged from Travis AFB)

j. On or about 17 Jan 92 you failed to perform assigned duties properly, resulting in an RIC on the same date.

k. Between on or about 6 Jan 92 and 9 Jan 92 you failed to report to your appointed place of duty, resulting in an RIC on 10 Jan 92.

l. On or about 11 Oct 91 you departed your work station early, without proper authority, for which you received an IOR dated 22 Oct 91. Due to your history of departing work early, tardiness and other domestic problems, a UIF was established, and you were placed on the control roster.

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 authority will decide whether you will be discharged, 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 the Area Defense Counsel, Capt [redacted], Bldg 163, ext. 4-4569, on 8 Dec 92, at 0730 hours. 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 NLT 8 Dec 92, at 1030 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. Medical records indicate your medical examination at David Grant Medical Center was accomplished on 25 Nov 92.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the orderly room.

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

[redacted] USAF
Squadron Section Commander

2 Atchs

1. Supporting Documents for the Reasons for Discharge (See attached listing)