

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
--	--------------------	--------------------------------

TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">YES</td> <td style="width: 10%;">NO</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		YES	NO		X	
YES	NO					
	X					
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				

MEMBERS SITTING	MEMBERSHIP OF BOARD				
	HON	GEN	UOTBC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A93.09	INDEX NUMBER A67.10	ORDER APPOINTING THE BOARD
		1
		2 APPLICATION FOR REVIEW OF DISCHARGE
		3 LETTER OF NOTIFICATION
HEARING DATE 4 JUN 03	CASE NUMBER FD-01-00013	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

REMARKS
 Case heard at Scott AFB, Illinois.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
--	---

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

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant's appeal was heard before the Discharge Review Board (DRB), without counsel, at Scott AFB, IL on June 3, 2003. The applicant did not appear.

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

FINDINGS: Upgrade of discharge to Honorable is denied.

The Board finds that neither the evidence of record or that provided by the applicant substantiates an impropriety or inequity that would justify upgrade of the discharge.

ISSUES: The applicant was discharged with a General Discharge for a pattern of Misconduct. Member received two Article 15s for failure to go and sleeping on his post. He also received one Letter of Reprimand for dereliction of duty for failure to notify his superiors of his whereabouts and three Letters of Counseling for failing to return to his place of duty, being late to a dental appointment, and dereliction of duty for failing to complete a task. Applicant states he was accused of illegal use of a controlled substance. He also indicates there was discrimination. These two issues are without merit. The record does not indicate issues of discrimination or that the applicant accused of substance abuse. The Discharge Review Board concluded the misconduct was a significant departure from the conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

If the applicant can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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.

Attachment:
Examiner's Brief

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

(Former AB) MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/08/31 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 79/01/19. Enlmt Age: 19 11/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-40, E-51, G-72, M-32. PAFSC: 3P031 - Security Forces Apprentice. DAS: 99/06/27.

b. Prior Sv: AFRes 99/01/12 - 99/01/12 (1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 99/01/13 for 4 yrs. Svd: 1 Yrs 7 Mo 19 Das, all AMS.

b. Grade Status: AB - 00/06/06 (Article 15, Vacation, 00/07/21)
A1C - 00/05/13
AMN - 99/07/13

c. Time Lost: none.

d. Art 15's: (1) 00/07/21, Whiteman AFB, MO - Article 86. You did, c/a 8 Jul 00, w/o authority, fail to go at the time prescribed to your appointed place of duty. Rdn to AB. (No appeal) (No mitigation)

(2) 00/06/06, Whiteman AFB, MO - Article 113. You, o/a 23 May 00, being posted as a sentinel at the Weapons Storage Area, post "Whiskey-4" were found sleeping upon your post. Rdn to AB (susp til 5 Dec 00), forfeiture of \$100 pay per month for two months, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 06 DEC 99 - Dereliction of duty.
LOC, 19 SEP 99 - Dereliction of duty.
LOC, 17 AUG 99 - Late to appointment.
LOC, 12 AUG 99 - Failure to go.

f. CM: none.

g. Record of SV: none.
(Discharged from Whiteman AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (7) Mos (20) Das
TAMS: (1) Yrs (7) Mos (19) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 00/12/18.
(Change Discharge to Honorable)

Issue 1: I ----- believe that my General under Honorable Condition discharge should be changed due to alleged accusations of illegal use control substance was proven to be negative. Although for a total of 3 months I was discriminated and characterized as guilty.

Issue 2: Several racial comments said to me. I reported to my chain of command repeatedly. Persistently overlooked. These issues were reported to MEO, JAG, ADC, and IG. However no response or satisfaction occurred(sic)

Issue 3: Issue of work place discrimination due to the fact Air Force job description consisted Security Force. However, first impression was stigmatized with false judgement of drug use by hear-say evidence by a surveillance (?) who did not know me nor my background. Therefore character was ruined(sic).

Issue 4: I believe my General under Honorable conditions should be changed so that I may be given the fair opportunity to join another branch of the military and serve my country which has been a lifelong dream all my life. I put my heart and soul into having a military career unfortunately was ruined unfairly.

ATCH

1. Negative/Unreliable Report.
2. AF Form 3545.
3. Personal Statement.

01/01/09/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 509th BOMB WING (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

MEMORANDUM FOR 509 BW/CC

FROM: 509 BW/JA

SUBJECT: Final Legal Review, AFI 36-3208, Administrative Discharge
[REDACTED]

1. **BASIS OF ACTION:** The respondent's squadron commander initiated discharge action under AFPD 36-32 and AFI 36-3208, paragraph 5.50.2, for pattern of misconduct. He recommends an under honorable conditions (general) discharge without probation and rehabilitation.
2. **EVIDENCE FOR THE GOVERNMENT:** The record contains sufficient evidence to substantiate discharge under paragraph 5.50.2. Specific instances of the respondent's misconduct include:
 - a. On 8 Jul 00, he was late for duty.
 - b. On 23 May 00, he was found sleeping while posted at "Whiskey-4".
 - c. On 4 Dec 99, while on 6-ring stand-by, he left without notifying his superiors of his whereabouts.
 - d. On 13 Sep 99, he was instructed to conduct facility cleanup. Later during that shift he was observed seated at a table.
 - e. On 13 Aug 99, he was 30 minutes late to his dental appointment.
 - f. On 12 Aug 99, he failed to return to his place of duty.
3. **EVIDENCE FOR THE RESPONDENT:** [REDACTED] is 21 years old. He has consulted counsel and elected not to submit matters in his behalf. AB [REDACTED] entered the Air Force on 13 Jan 99. He is entitled to wear the Air Force Training Ribbon.
4. **DISCUSSION:** [REDACTED] has been afforded many chances to maintain military standards. Despite efforts by his superiors he has failed to respond. [REDACTED] has received three Letters of Counseling and one Letter of Reprimand. He received his first Letter of Counseling in August 1999 for failing to return to his appointed place of duty. The very next day, [REDACTED] received another Letter of Counseling, this time for being late to his mandatory dental appointment. In September 1999, [REDACTED] was instructed to conduct facility cleanup, but later during that shift he was witnessed seated at a table. He received a Letter of Counseling. He received his first

Letter of Reprimand in December 1999 because he left without notifying any of his superiors while on 6-ring stand-by. Finally, [REDACTED] was given an Article 15 as an additional chance to refrain from further misconduct. However, [REDACTED] was unsuccessful in correcting his behavior and was late for duty. Therefore, the suspended punishment from his Article 15 was vacated and his commander has initiated this discharge action.

5. **DISPOSITION ALTERNATIVES:** You, as the special court-martial convening authority, are the separation authority for this action. You may:

- (a) retain the respondent in the Air Force;
- (b) direct that the respondent be separated with an under honorable conditions (general) discharge, with or without probation and rehabilitation;
- (c) recommend that the respondent be separated with an honorable discharge, with or without probation and rehabilitation, and forward this case to the general court-martial convening authority (8th AF/CC) for action;
- (d) direct that this case be reinitiated pursuant to the board hearing procedures of AFI 36-3208, Chapter 6, Section C, if you feel a discharge under other than honorable conditions (UOTHC) is warranted; or
- (e) direct that the case be reinitiated under another paragraph of AFI 36-3208, if you deem it more appropriate.

7. **RECOMMENDATION:** I recommend you discharge the respondent, characterizing his service as under honorable conditions (general), without probation and rehabilitation. If you agree, please sign the attached correspondence and return this file to JA for further processing.

[REDACTED]

[REDACTED] Capt, USAF
Chief, Military Justice

Attachment:
Discharge Package/AB Ware



DEPARTMENT OF THE AIR FORCE
509th SECURITY FORCES SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

24 Jul 00

MEMORANDUM FOR [REDACTED]

FROM: 509 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service may 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 8 Jul 00, you were late for duty. The suspended punishment you were given for the Article 15, dated 15 Jun 00, was vacated on 21 Jul 00. (Atch 1a)

b. On 23 May 00, you were found sleeping while posted at "Whiskey-4". For this incident you received an Article 15, dated 15 Jun 00. (Atch 1b)


c. On 4 Dec 99, while on 6-ring stand-by, you left without notifying your superiors of your whereabouts. For this incident, you received a Letter of Reprimand, dated 6 Dec 99. (Atch 1c)

d. On 13 Sep 99, you were instructed to conduct facility cleanup. Later during that shift you were observed seated at a table. For this incident, you received a Letter of Counseling, dated 19 Sep 99. (Atch 1d)

e. On 13 Aug 99, you were 30 minutes late to your dental appointment. For this incident, you received a Letter of Counseling, dated 17 Aug 99. (Atch 1e)

f. On 12 Aug 99, you failed to return to your place of duty. For this incident, you received a Letter of Counseling, dated 12 Aug 99. (Atch 1f)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial convening authority 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

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  in Bldg 509 on 25 Jul 00 at 1430 hours. You may consult civilian counsel at your own expense.
 ↳ After Physical Exams
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 31 Jul 00 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 Physical Exams at 1415 on 25 Jul 00 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 your Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.


 Col, USAF
 Commander

Attachments:

1. Supporting documents -- for the reason for discharge
 - a. Vacation Action, dated
 - b. Article 15, dated 15 Jun 00/
 - c. LOR, dated 6 Dec 99
 - d. LOC, dated 19 Sep 99
 - e. LOC, dated 17 Aug 99
 - f. LOC, dated 12 Aug 99
2. Documents containing derogatory information -- which are not listed in the notification memorandum: Documents relating to the respondents misconduct are found at Atch 2 of the Notification Letter.
3. Airman's receipt of notification memorandum, dated 24 Jul 00.