

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
		A1C				
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO					
	X					
		ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
						X
ISSUES A94.=05		INDEX NUMBER A67.10				
HEARING DATE 6 FEB 03		CASE NUMBER FD2001-0190				
		EXHIBITS SUBMITTED TO THE BOARD				
		1	ORDER APPOINTING THE BOARD			
		2	APPLICATION FOR REVIEW OF DISCHARGE			
		3	LETTER OF NOTIFICATION			
		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 Travis AFB, California. Applicant was scheduled to appear before the DRB, but failed to respond.						
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: 6 FEB 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, 4E WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD00-0339

**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 the evidence of record or that provided by the applicant substantiates an inequity or an impropriety that would justify a change of discharge.

**ISSUE:** The applicant was discharged for Drug Abuse and Minor Disciplinary Infractions. His offenses included receiving an Article 15 for willfully failing to report a major vehicle accident and an Article 15 for wrongfully using marijuana on divers occasions. The applicant states that he let the stress of the job get the best of him. He also said he lied about using marijuana. After a through and complete consideration of the information submitted by the applicant and information contained in the record, the Board concluded there was no mitigation or extenuation to substantiate upgrade of 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.

Attachment:

Examiner's Brief

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

[REDACTED]  
(Former A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 93/04/07 UP AFR 39-10, para 5-46 (Misconduct - Law Enforcement Specialist). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 69/09/12. Enlmt Age: 18 5/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-77, E-58, G-44, M-39. PAFSC: 81152 - Law Enforcement Special. DAS: 04/87.

b. Prior Sv: (1) AFRes 88/03/03 - 89/01/10 (8 months 10 days) (Inactive).

(2) Enlisted as AB 89/01/11 for 4 yrs. Svd: 3 yrs 1 month 13 days, all AMS. AMN-(EPR Indicates): 89/01/11-90/08/11. A1C - 90/05/11. SRA - 92/01/11. EPRs: 4,4,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 92/02/24 for 4 yrs. Svd: 1 Yrs 1 Mo 14 Das, all AMS.

b. Grade Status: A1C - 93/02/16 (ART 15, 93/02/16)

c. Time Lost: none.

d. Art 15's: (1) 93/02/16, March AFB, CA - Article 92. You, were, o/a 23 Jan 93, derelict in the performance of your duties in that you willfully failed to follow established regulations and guidelines by wrongfully allowing a civilian person to accompany you while on patrol, as it was your duty to do so. Reduction to A1C. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 28 DEC 92 - Violation of orders.  
LOC, 29 JUL 92 - Lack of professionalism.  
LOC, 27 JUL 92 - Removal from Phase II for lack of seriousness of training.  
LOC, 11 MAR 92 - Reporting late to training class.

f. CM: none.

g. Record of SV: 91/08/16 - 92/11/18 March AFB 3 (Annual)

(Discharged from March AFB)

h. Awards & Decs: AFCEM, AFAM 2/1 OLC, AFGCM, NDSM, AFOSSTR, AFTR, AFLSAR, AFOUA 2/1 OLC.

i. Stmt of Sv: TMS: (5) Yrs (1) Mos (5) Das  
TAMS: (4) Yrs (2) Mos (27) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/06/05.  
(Change Discharge to Honorable)

Issue 1: Six months before my discharge I received a Good Conduct Medal for 3 years perfect service with nothing on my record. My first discharge was Honorable and I was permitted to reenlist. After my reenlistment my Law Enforcement Flight was taken over by a new Lt. He didn't like me from the beginning (sic) and constantly harrassed me. I obtained a bad reputation due to his harrassing. When the flight was taken over by MSGT. ----- and the Lt. left, he was advised of my reputation. This was the beginning (sic) of the end. True some of problem was due to a few missed appointments but most of problem was due to others opinion of me based in part to my preceeding reputation when I presented my evidence to my commander he stated "I know the guys who did this and they wouldn't do this to someone like you." I had no bad points on my record. I was awarded a commendation, 2 achievement medals as an E-3. How can in 6 mos go from a credit to Airforce (sic) to being kicked out. Please your good judgement (sic) is needed to right this injustice.

**ATCH**

none.

01/07/23/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 22D AIR REFUELING WING (AMC)

31 MAR 1993

FROM: JA

SUBJ: Legal Review for Administrative Discharge: [REDACTED]  
[REDACTED] AFR 39-10, Section H, Paragraph 5-46.

TO: CC

1. I have reviewed the administrative discharge file regarding [REDACTED] and find it legally sufficient.
2. [REDACTED] commander has recommended he be discharged from the Air Force under AFR 39-10, Chapter 5, Section H, Paragraph 5-46, Minor Disciplinary Infractions, with a general discharge certificate without probation and rehabilitation. I concur.
3. [REDACTED] repeatedly failed to act in a professional manner and take his training seriously. He was derelict in the performance of his duties, violated a written general order, and failed to act with the proper professionalism required of a March AFB gate guard. Prior to this discharge action he received an Article 15, two letters of counselling, two letters of reprimand, an Unfavorable Information File Action, and a Letter from his trainer.
4. By letter dated 12 Mar 93, after consulting with counsel, [REDACTED] waived his right to submit statements in his behalf.
5. [REDACTED] entered the Air Force 11 Jan 89 and his current term of enlistment began that same date. He is entitled to wear the Air Force Training Ribbon, the National Defense Service Medal, Air Force Overseas Service Long Tour Ribbon, Air Force Overseas Service Short Tour Ribbon, Air Force Achievement Medal with one Oak Leaf Cluster; and one Air Force Commendation Medal.
7. There are no irregularities that materially affect the rights of [REDACTED]
8. The evidence clearly shows [REDACTED] failed to meet minimum Air Force standards, in addition, [REDACTED] engaged in misconduct which has detracted from good order and discipline. Therefore, his service has not met Air Force standards and a general discharge is appropriate.

9. A review of [REDACTED] overall military record indicates probation and rehabilitation is not appropriate since he has already received an Article 15, several written counselling, and several letters of reprimand, including an Unfavorable Information File Action for his misconduct.

10. As the special court-martial convening authority exercising jurisdiction over [REDACTED] you may:

- a. Direct he be retained; or
- b. Recommend he be discharged from the Air Force with an honorable discharge with or without probation and rehabilitation and forward the file to the Commander, 15th Air Force, for the final decision; or
- c. Direct he be discharged from the Air Force with a general discharge with or without probation and rehabilitation.

11. I recommend you direct the immediate discharge of [REDACTED] from the Air Force with a general discharge without probation and rehabilitation.

[REDACTED]

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DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 22D AIR REFUELING WING (AMC)

FROM: 22 SPS/CC

11 March 1993

SUBJ: Notification Letter

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for 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 your service be characterized as general.

2. My reasons for this action are:

a. On or about 23 Jan 1993, you were derelict in the performance of your duties by wrongfully allowing a civilian person to accompany you while on patrol. Reference Article 15 dated 10 Mar 93.

b. On or about 10 Dec 92, you violated a written general order, to wit: 22 SPS BR OI 125-3 and Special Law Enforcement Instruction Number 9. Reference Letter of Reprimand/Unfavorable Information File, dated 28 Dec 92.

c. On or about 7 Dec 92, you failed to go to squadron training as it was your duty to do. Reference Letter of Reprimand dated 9 Dec 1992

d. On or about 29 Jul 1992, you failed to act with the proper professionalism required of a March Air Force Base gate guard. Reference Letter of Counseling, dated 29 Jul 92.

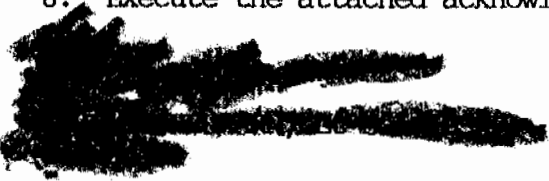
e. On or about 27 Jul 1992, you were removed from Phase II training for Law Enforcement patrolman for a period of one month due to your lack of seriousness of your training. Reference letter dated 27 Jul 92.

f. On or about 11 Mar 1992, you reported late for training class. Reference Letter of Counseling dated 11 Mar 92.

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 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.

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 [REDACTED] Area Defense Counsel, at Bldg 440 on 12 March 93, at 1330 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 of receipt of this letter. 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 been scheduled for a medical examination. You must report to the 22d Medical Group, March AFB, CA, at 0730 hours, on 12 Mar 93 for the examination.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the unit orderly room.
8. Execute the attached acknowledgment and return it to me immediately.



2 Atch

1. Supporting documents for the reasons for discharge
  - a. Art 15 dtd 10 Mar 93 w/atch
  - b. LOR/UIF dtd 28 Dec 92 w/atch
  - c. LOR dtd 9 Dec 92
  - d. LOC dtd 29 Jul 92
  - e. Letter from Trainer dtd 27 Jul 92.
  - g. LOC dtd 11 Mar 92
2. Airman's Receipt of Notification Letter