

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 1em;"></div>		GRADE AMN	AFSN/SSAN <div style="background-color: black; width: 80px; height: 1em;"></div>			
TYPE	X PERSONAL APPEARANCE		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
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ISSUES A93.02, A94.02		INDEX NUMBER A67.10		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		
HEARING DATE 3 FEB 03		CASE NUMBER FD2001-0382				
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. Advise applicant of the decision of the Board. * Change the Reason for discharge to Secretarial Authority. + Change the RE Code to 3K.						
SIGNATURE OF RECORDER <div style="background-color: black; width: 200px; height: 2em;"></div>			SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 200px; height: 2em;"></div>			
INDORSEMENT			DATE: 3 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, EE WING, 3 RD FLOOR ANDREWS AFB, MD 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2001-0382

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Travis AFB, CA on February 3, 2003. The following additional exhibits were submitted at the hearing:

Exhibit 5: Applicant's contentions.

Exhibit 6: Letter of appreciation, from 90th Security Police Group Commander, 24 Aug 90

Exhibit 7: Letter of appreciation, from 90th Security Police Group Commander, undated

Exhibit 8: Letter of appreciation, from HQ 90th Strategic Missile Wing Commander, 28 Aug 90

Exhibit 9: Letter of appreciation, from 88 MSS Commander, 25 Sept 1990

Exhibit 10: Letter of appreciation, from 88 MSS Commander, 19 Sept 1990

Exhibit 11: Assoc Degree, Career College of Northern Nevada, July 22, 1993

Exhibit 12: Cert of Achievement, Windows 2000 Core-Implementing/Administering, 15-19 Oct 2001

Exhibit 13: Cert. Attendance, Management, Supporting and Troubleshooting Windows Registry, 21 Jun 01

Exhibit 14: Cert. Attendance, Supporting and Troubleshooting Optimizing Windows, 11 Jul 01

Exhibit 15: Cert. of completion, Integrated Financial System, 15 Jun 2000

Exhibit 16: Cert. of completion, Preventing Sexual Harassment, 27 Jun 2001

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

FINDINGS: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an impropriety that would justify upgrade of the discharge. However, after a thorough review of the record and considering testimony and evidence submitted by the applicant the Board finds that the applicant's character of discharge and reason for discharge are inequitable.

ISSUES: The applicant was discharged with a General Discharge for Misconduct – Minor Disciplinary Infractions. The records indicated the applicant received an Article 15 for failure to complete his one and a half mile run in the manner prescribed by running 15 laps around the gym. He also received a Letter of Reprimand for underage drinking, and a Letter of Reprimand for altering his target. Evidence of testimony and the records lead the board to conclude that significant mitigating circumstances not considered by the commander may have lead to retention on probation for rehabilitation. The Board opined based on the positive aspects of the applicant's duty and post service accomplishments reflecting positively on his character, that he may have been retained for an opportunity for rehabilitation. While the Board did not condone the applicant's incidents of willful misconduct, they did feel it more equitable to characterize his service as honorable. The DRB also opined that the reason for discharge should be changed to Secretarial Authority and to change his RE Code.

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.

However, in view of the foregoing findings, the Board also concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge. The applicant's characterization for discharge should be changed to Honorable, Secretarial Authority, and the RE Code changed to 3K under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

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

[REDACTED]
[REDACTED]
(HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 91/03/14 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 71/05/12. Enlmt Age: 17 4/12. Disch Age: 19 10/12. Educ:HS DIPL. AFQT: N/A. A-70, E-52, G-44, M-37. PAFSC: 81150 - Security Specialist. DAS: 90/01/04.

b. Prior Sv: (1) AFRes 88/09/19 - 89/08/07 (10 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 89/08/08 for 4 yrs. Svd: 01 Yrs 07 Mo 07 Das, all AMS.

b. Grade Status: AB - 91/02/20
AMN - 90/02/08

c. Time Lost: none.

d. Art 15's: (1) 91/02/20, F.E. Warren AFB, WY - Article 92. You, who knew of your duties, on or about 6 Feb 91, were derelict in the performance of those duties in that you willfully failed to complete a one and a half mile run in the manner prescribed by running 15 laps around the outside of the indoor gym, as it was your duty to do. Reduction to AB, and 15 days extra duty.
(No appeal) (No mitigation)

e. Additional: LOR, 11 DEC 90 - Failure to obey a lawful order.
LOR, 07 JUN 90 - Underage drinking.

f. CM: none.

g. Record of SV: none.

(Discharged from F.E. Warren AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (05) Mos (26) Das
TAMS: (01) Yrs (07) Mos (07) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/09/20.
(Change Discharge to Honorable)

Issue 1: At the time of discharge I was not given any options to correct my disciplinary actions. I believe that my service record with the articles of appreciation and Certificates will show that I was committed to the United States Air Force and I did not have the proper leadership. I am hoping to reenlist into the National Guard and finish the service to my country.

ATCH

none.

02/02/20/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 90TH STRATEGIC MISSILE WING (SAC)
FRANCIS E. WARREN AIR FORCE BASE, WYOMING 82005-5000

REPLY TO
ATTN OF:

JA ([REDACTED])

6 March 1991

SUBJECT: Legal Review: Discharge under Provisions of AFR 39-10, Chap 5, Para 5-46 (AB
[REDACTED])

TO: 90 SMW/CC

1. Basis for Action: AFR 39-10, chapter 5, paragraph 5-46, a pattern of misconduct consisting solely of minor disciplinary infractions in the current enlistment. The squadron commander has recommended separation with a general discharge and that the member not be considered as a candidate for probation and rehabilitation under AFR 39-10, chapter 7. [REDACTED] consulted counsel and submitted a statement in his own behalf.

2. Facts: The squadron commander's report with attachments accurately reflects the information substantiating this action. [REDACTED] is 19 years of age and has served on active duty since 8 August 1989. His duty title is Mobile Fire Team Member, AFSC 81130. There has been substantial compliance with the provisions of AFR 39-10, and the record is legally sufficient to sustain a general discharge. A physical must be completed prior to separation.

3. Discussion: In a mere handful of incidents within the last eight months, [REDACTED] has clearly demonstrated his unsuitability for military life. In June of 1990, he drank alcohol while underage and violated a Cheyenne ordinance by possessing an open container of alcohol in a public place. For this he received a civilian citation and an LOR/UIF. In September of 1990, he apparently failed to complete his aerobics run and received an LOR. However, this LOR was missing from the Personnel Information File, and is not included in this package. In December of 1990, he punched holes in his target with a pen in an attempt to qualify while firing at the Security Police Combat Course. For this he received another LOR/UIF and was placed on the control roster. Finally, on 6 February 1991, [REDACTED] cheated while running his aerobics run. Specifically, instead of running on the indoor track for each entire loop, he shortened his laps by cutting across the interior of the track. For this he received an Article 15, and this discharge was initiated.

4. Other Derogatory Data: None.

5. Errors or Discrepancies: In the absence of any documentation substantiating the missed aerobics run, you should not consider that allegation either as a basis for discharge or for discharge characterization. Even discounting the missing LOR, this package is sufficient to justify discharge.

6. Member's Statement: In his handwritten response, [REDACTED] offers no explanation for his misconduct, neither does he request retention or a higher character of discharge. He admits he has had problems and resolves to make a go of civilian life.

7. Options: As the separation authority in this case, you may:

- a. Direct retention.
- b. Recommend 15AF/CC approve an honorable discharge with or without probation and rehabilitation.
- c. Approve a general discharge with or without probation and rehabilitation.

8. Recommendation: I concur with the squadron commander in recommending you approve a discharge with no probation and rehabilitation. [REDACTED] behavior does not meet Air Force standards, especially in the realm of basic integrity and emotional maturity. [REDACTED] in his own words, is simply "not cut out for the Air Force." Past rehabilitative efforts have failed, and further efforts are not warranted. On the other hand, [REDACTED] history suggests that he is not a threat to the Air Force community, and he need not be barred from this installation.

[REDACTED], USAF
Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 90TH STRATEGIC MISSILE WING (SAC)
FRANCIS E. WARREN AIR FORCE BASE, WYOMING 82005-5000

FD 200-0382

28 FEB 1991

REPLY TO
ATTN OF: 88 MSS/CC

SUBJECT: 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 that your service be characterized as general.

2. My reasons for this action are:

a. On or about 6 Feb 91, you were derelict in the performance of your duties in that you willfully failed to complete a one and a half mile run in the manner prescribed. AF Form 3070 w/atch, 20 Feb 91

b. On or about 7 Dec 90, you wrongfully punched holes in a target with an ink pen to attempt to qualify at firing. You first denied the attempt but later you confessed to deliberately defacing the target. You also failed to obey a lawful order given you by Combat Arms Range personnel by punching holes in the target with a pen. LOR w/atch, 11 Dec 90

c. On or about 3 Jun 90, you received a citation in Cheyenne, Wy for drinking while underage and possessing an open container of beer in a public place. LOR w/atch, 7 Jun 90

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.

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] at the ADC office, bldg 292 on 28 Feb 91 at 0900. You may consult civilian counsel at your own expense.

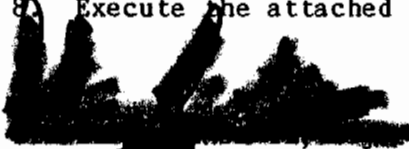
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 05 MAR 1991 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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 F. E. Warren Hospital physical exams section at 0700 on 1 Mar 91 for the examination. 0730

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 your orderly room.

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

 , USAF
Commander / 88 MSS

2 Atch

1. Supporting Documents - for the Reason for the Discharge
 - a. AF Form 3070 w/atch, 20 Feb 91
 - b. LOR w/atch, Undated
 - c. LOR w/atch, 7 Jun 90
2. Airman's Receipt of Notification Ltr