

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
--------------------	---------------------	------------------------

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%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">NO</td> </tr> <tr> <td style="text-align: center; padding: 2px;">X</td> <td style="padding: 2px;"></td> </tr> </table>	YES	NO	X			
YES	NO					
X						

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.53, A94.05, A92.21	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	

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 and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

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

INDORSEMENT	DATE: 03-01-09
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

FD2001-0444

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

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

The attached brief contains 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 impropriety or inequity that would justify an upgrade of the discharge to honorable.

Issues. Applicant was discharged for minor disciplinary infractions. He had an Article 15, a Letter of Reprimand, and six Records of Individual Counseling. His misconduct included three instances of failure to go, dereliction of duty, underage drinking, failure of an End of Course exam, and assaulting another airman. At the time of the discharge, member consulted counsel and submitted a statement in his own behalf conceding he was not quite ready to be in the military, his problems were a product of youth, the Air Force was not the right branch of service for him, and requesting an honorable characterization of service. Member was given several opportunities to correct his behavior but was either unwilling or unable to do so. The Board noted member was the same age as other airmen who had adhered to the standards when his misconduct occurred, and he knew right from wrong. He was responsible for his actions, and therefore was held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.

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, 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 AMN) (HGHI A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/06/13 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 79/12/04. Enlmt Age: 18 9/12. Disch Age: 20 9/12. Educ:HS DIPL. AFQT: N/A. A-56, E-61, G-50, M-67. PAFSC: 2A333E - Tactical Aircraft Maintenance Apprentice. DAS: 99/01/29.

b. Prior Sv: (1) AFRes 97/09/12 - 98/06/16 (9 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 98/06/17 for 4 yrs. Svd: 01 Yrs 11 Mo 27 Das, all AMS.

b. Grade Status: AMN - 00/03/22 (Article 15, 00/03/22)
 A1C - 99/10/17
 AMN - 98/12/17

c. Time Lost: none.

d. Art 15's: (1) 00/03/22, Davis-Monthan AFB, AZ - You, did, on or about 13 Feb 00, unlawfully strike A1C ----- in the face, chest, stomach, hip, and arm with your fists and feet. Reduction to Amn, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 16 MAY 00 - Underage consumption of alcohol.
 RIC, 03 DEC 99 - Failure to follow Technical Data.
 RIC, 30 NOV 99 - Failure to attend training.
 RIC, 22 APR 99 - Forms documentation.
 RIC, 17 FEB 99 - Failure to go.

f. CM: none.

g. Record of SV: 98/06/17 - 00/02/16 Davis-Monthan AFB 3 (Initial)

(Discharged from Davis-Monthan AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (09) Mos (02) Das
 TAMS: (01) Yrs (11) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/10/09.
(Change Discharge to Honorable)

Issue 1: Encl 4 thru 8.

ATCH

1. DD Form 214.
2. Six Requests for Reference.
3. Letter of Appreciation.

02/03/06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 355TH WING (ACC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

PD 2001-0444

JUN 09 2000

MEMORANDUM FOR 355 WG/CC

FROM: 355 WG/JA

SUBJECT: Legal Review of Proposed Discharge of [REDACTED]
354 FS

1. **LEGAL SUFFICIENCY:** I have reviewed the administrative discharge case file regarding [REDACTED] the Respondent. The proposed discharge is supported by the evidence. There are no errors that prejudice the rights of the Respondent. Therefore, the file is legally sufficient, subject to a medical determination the Respondent is qualified for worldwide duty and separation.

2. **BASIS FOR DISCHARGE AND REHABILITATIVE MEASURES:**

[REDACTED] 354 FS/CC, recommends the Respondent be discharged from the Air Force for misconduct, specifically minor disciplinary infractions, under AFI 36-3208, paragraph 5.49, without probation and rehabilitation. [REDACTED] recommends the Respondent's service be characterized as under honorable conditions (general). The basis for the proposed discharge is the Respondent's numerous minor disciplinary infractions. On or about 17 Feb 99, he failed to go to physical training, for which he received a Record of Individual Counseling (RIC). On or about 22 Apr 99, he failed to annotate JOAP sampling, aircraft refuel and intake inspection on an aircraft, for which he received an RIC. On or about 29 Nov 99, he failed to attend his scheduled Physical Health Assessment appointment, for which he received an RIC. On or about 29 Nov 99, he signed off a combined Basic Postflight/Preflight inspection on an aircraft, and during a pre-exercise generation inspection, the left main landing gear tire had an obvious defect. As a result, he received an RIC. On or about 13 Feb 00, he unlawfully struck another airman in the face, chest, stomach, hip and arm with his fists and feet, for which he received punishment under Article 15 of the UCMJ and an Unfavorable Information File was established. On or about 6 May 00, he failed to refrain from consuming alcohol while underage, for which he received a Letter of Reprimand.

3. **SERVICE HISTORY:** The Respondent has been on active duty for approximately 2 years. The Respondent has one enlisted performance report with an overall rating of 3. The Respondent's awards and decorations include the Air Force Training Ribbon.

4. **RESPONDENT'S CASE:** The Respondent consulted counsel and submitted a statement summarizing his background and requesting an honorable discharge.

Global Power for America

5. **CHARACTERIZATION OF SERVICE:** If you determine there are sufficient grounds to discharge the Respondent, you must decide whether he should be retained or discharged. The record of misconduct in this case warrants his discharge. The Respondent has engaged in repetitive acts of misconduct. He has been provided several opportunities to modify his behavior. Despite these opportunities, the Respondent has continued to engage in misconduct. If you choose to separate the Respondent, you must also decide the appropriate service characterization. A general characterization is appropriate in this case because the negative aspects of the Respondent's conduct outweigh the positive aspects of his military record. An under other than honorable conditions (UOTHC) service characterization is not warranted in this case. Probation and rehabilitation is not appropriate. Based on the Respondent's continued pattern of disciplinary infractions, it is apparent he has failed to take advantage of the rehabilitative opportunities afforded him. Given this, and his demonstrated disregard for Air Force standards of conduct, further rehabilitative efforts would be futile.

6. **OPTIONS:** As the Separation Authority you may:

a. Discharge the Respondent with a service characterization of general, with or without probation and rehabilitation;

b. Retain the Respondent;

c. Forward the discharge package to 12 AF/CC recommending discharge with a service characterization of honorable, with or without probation and rehabilitation; or

d. Terminate the notification discharge process and direct this case be processed under board hearing procedures making the Respondent subject to a UOTHC service characterization.

7. **RECOMMENDATION:** I recommend you discharge the Respondent with a general service characterization, without probation and rehabilitation. If you elect any of the other options, please return the package to this office. If you have any questions, please call [REDACTED] at 228-5242.

[REDACTED]
[REDACTED], USAF
Staff Judge Advocate

Attachment:
Case File



FD 2001-0444

DEPARTMENT OF THE AIR FORCE
354TH FIGHTER SQUADRON (ACC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

30 MAY 00

MEMORANDUM FOR [REDACTED]

FROM: 354 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On or about 6 May 00, you failed to refrain from consuming alcohol while underage. As a result, you received a Letter of Reprimand (LOR) (Tab A).

b. On or about 13 Feb 00, you unlawfully struck [REDACTED] in the face, chest, stomach, hip and arm with your fists and feet. As a result you received punishment under Article 15 of the UCMJ and an Unfavorable Information File was established (Tab B).

c. On or about 29 Nov 99, you signed off a combined Basic Postflight/Preflight inspection on aircraft 80-204. During a pre-exercise generation inspection, the left main landing gear tire had an obvious defect. As a result, you received a Record of Individual Counseling (RIC) (Tab C).

d. On or about 29 Nov 99, you failed to attend your scheduled Physical Health Assessment appointment. As a result, you received an RIC (Tab D).

e. On 22 Apr 99, you failed to annotate JOAP sampling, aircraft refuel and intake inspection on aircraft 78-0684. As a result, you received an RIC (Tab E).

f. On or about 17 Feb 99, you failed to go to physical training. As a result, you received an RIC (Tab F).

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 and will probably be denied enlistment in any component of the

Global Power for America

armed forces 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, at 228-5664, has been obtained to assist you. An appointment has been scheduled for you at the Area Defense Counsel's office, Building 3510, 3rd floor on 30 MAY, at 1400 hours. In addition to military counsel, you have the right to employ 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 2 JUN 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 the Physical Exams Office of the Aeromedical Facility, Bldg 400, Rm 13, at 0835, on 31 MAY, for the examination.

8. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, Bldg 3200, Rm 14, at 1030 on 30~~29~~ MAY 00 for the briefing. If you have questions, please call them at 228-5366.

9. 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 at the Area Defense Counsel's office, Bldg 3510.

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

 USAF
Commander

Attachments:

1. Supporting Documents

- a. LOR (2 pages), 16 May 00
- b. Article 15 (3 pages), 22 Mar 00 w/ AF Form 1137
- c. RIC, 3 Dec 99
- d. RIC (2 pages), 30 Nov 99
- e. RIC (2 pages), 22 Apr 99
- f. RIC (2 pages), 17 Feb 99

2. Airman's Receipt of Notification Memorandum