

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN		
[REDACTED]		A1C	[REDACTED]		
TYPE	X PERSONAL APPEARANCE		RECORD REVIEW		
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO	AMERICAN LEGION			
X					
MEMBERS SITTING		VOTE OF THE BOARD			
		HON	GEN	UOTHC	OTHER
[REDACTED]					X
[REDACTED]					X
[REDACTED]		X*			
[REDACTED]					X
[REDACTED]		X*			
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD			
A94.05 A92.35 A94.09	A67.10	1	ORDER APPOINTING THE BOARD		
		2	APPLICATION FOR REVIEW OF DISCHARGE		
		3	LETTER OF NOTIFICATION		
HEARING DATE	CASE NUMBER	4	BRIEF OF PERSONNEL FILE		
26 JUN 03	FD2001-0466		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 Washington, D.C.					
Advise applicant of the decision of the Board, and of the right to submit an application to the AFBCMR.					
*Change the Reason and Authority to Secretarial Authority.					
+Change reenlistment code.					
SIGNATURE OF RECORD		SIGNATURE OF BOARD PRESIDENT			
[REDACTED]		[REDACTED]			
INDORSEMENT		DATE:			
TO:		FROM:			
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		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

FD2001-0466

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change of reason for discharge, and change of reenlistment eligibility (RE) code.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel at Andrews AFB, MD on June 26, 2003. No additional exhibits were submitted at the hearing.

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

FINDINGS: Upgrade of discharge, change of reason for discharge, and change of RE code are denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge. The applicant's issues are listed in the attached brief.

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for violating a lawful instruction by entering the dormitory quarters of a member of the opposite sex, an Article 15 for disrespectful language toward a superior NCO, a Letter of Counseling for failing to use a Technical Order, a Letter of Counseling for not using the chain of command, a Letter of Counseling for using tobacco products in a military facility, and eight Letters of Counseling for being late for work. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation, and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The DRB recognized the fact that the applicant had served almost five years total service before the discharge was initiated, but concluded the applicant's misconduct outweighed the positive aspects of his time in the Air Force. The Board concluded the discharge was appropriate for the reasons that were the basis for this case.

Issue 3. The applicant cited his desire to reenlist in the armed forces of the United States. The Board was sympathetic to the impact the reenlistment code was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation, 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, change of reason for discharge, or change of RE code, 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

[REDACTED]
(Former A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/03/16 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, Change in RE Code, and to Change the Reason and Authority for Disch.

2. **BACKGROUND:**

a. DOB: 76/12/25. Enlmt Age: 19 0/12. Disch Age: 24 2/12. Educ: HS DIPL. AFQT: N/A. A-93, E-73, G-64, M-56. PAFSC: 2A652 - Aerospace Ground Equipment Journeyman. DAS: 97/05/02.

b. Prior Sv: (1) AFRes 96/01/23 - 96/04/23 (3 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 96/04/24 for 6 yrs. Svd: 04 Yrs 10 Mo 23 Das, all AMS.

b. Grade Status: A1C - 00/12/18 (Article 15, 00/12/18)
SRA - Unknown
A1C - 97/12/05
AMN - 97/02/05 (Article 15, 97/02/05)
A1C - (EPR Indicates): 96/04/24-97/12/23
AMN - (EPR Indicates): 96/04/24-97/12/23

c. Time Lost: none.

d. Art 15's: (1) 00/12/18, Ellsworth AFB, SD - Article 91. You, on or about 22 Nov 00, were disrespectful in language toward TSgt -----, a superior noncommissioned officer, then known by you to be a superior noncommissioned officer, who was then in the execution of his office, by saying to him, "Until you show me respect, I won't show you any respect," or words to that effect. Rdn to A1C. (Appeal/Denied)
(No mitigation)

(2) 97/02/05, Sheppard AFB, TX - Article 92. You did, on or about 19 Jan 97, violate a lawful general instruction, to wit: paragraph 2.1.9, Sheppard AFBI 36-2902, dated 25 Sep 96, by wrongfully entering the dormitory living quarters of a member of the opposite sex. Rdn to Amn, forfeiture of \$505.00 pay per month for two months (suspended until 4 Aug 97), and 30 days correctional custody. (No appeal)
(No mitigation)

e. Additional: LOC, 09 JUN 97 - Dereliction of duty.

LOC, 01 JUL 97 - Failure to go.
 LOC, 12 AUG 97 - Failure to use Chain of Command.
 LOC, 03 SEP 97 - Late for work.
 LOC, 17 AUG 98 - Late for work.
 LOC, 09 SEP 98 - Late for work.
 LOC, 23 AUG 99 - Late for work.
 LOC, 08 SEP 99 - Late for work.
 LOC, 17 JUL 00 - Late for work.
 LOC, 04 OCT 00 - Late for duty & disrespect for authority.
 LOC, 23 OCT 00 - Failure to comply with Air Force
 Regulation.

f. CM: none.

g. Record of SV: 96/04/24 - 97/12/23 Ellsworth AFB 3 (Initial)
 97/12/24 - 98/10/04 Ellsworth AFB 3 (Annual)
 98/10/05 - 99/10/04 Ellsworth AFB 2 (Annual) REF
 99/10/05 - 00/04/05 Ellsworth AFB 3 (CRO)

(Discharged from Ellsworth AFB)

h. Awards & Decs: AFLSAR, AFTR, AFEM, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (05) Yrs (01) Mos (24) Das
 TAMS: (04) Yrs (10) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01/07/30.

(Change Discharge to Honorable, Change the RE Code, and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Congressional Correspondence.
2. Letter to the Discharge Review Board.
3. DD Form 214.
4. Report on Individual Person (PA).
5. Three Certificates of Recognition.
6. Two Letters of Appreciation.

01/11/15/ia

To Whom It May Concern:

I, [REDACTED] am requesting review of my administrative discharge from the US Air Force dated 16 March 2001.

According to the documents provided me, my administrative discharge was based upon a history of minor disciplinary infractions to wit:

Letters of Counseling regarding Failure to Report for Duty (lateness)

Letter of Counseling regarding Improper Use of Smokeless Tobacco

Letter of Counseling regarding Failure to Follow Instructions (Not having a Technical Order present when working on equipment.

Article 15 dated 5 February 1997 - Entering the dormitory residence of a member of the opposite sex

Article 15 dated 18 December 2000 - Disrespect to a Noncommissioned Officer

Before I offer the following information in my own defense, I would offer the following in my behalf:

Good Conduct Medal, awarded September 16, 2000. The award was never made to me personally, but I was advised upon being separated that it had been issued on the date noted.

Promotion to Senior Airman, dated 5 August 1999.

Promotion to Airman First Class, dated 5 August 1998.

First Sergeant Sharp Troop Award, awarded 17 December 1998.

Letter of Commendation, for Excellence presented 15 December 1998.

Letter of Appreciation, for Excellence presented 19 December 1998.

Letter of Appreciation, for Outstanding Performance by supporting the 3-on-3 Youth Basketball Tournaments for Drug Awareness in both October of 1999, and 2000

Commanders Excellence Coin Presented 15 December 1998.

In reference to the Letters of Counseling for Failure to Report for Duty: On all occasions where I reported to duty later than my prescribed time, I telephoned my section and advised them of the circumstances regarding my projected lateness. I was advised to report to work as soon as possible and did so.

My lateness on three occasions in 1997 was due to breaks in my crew rest caused by the biological mother of my son, Thomas. I was notified in 1997 that I had a son, age 3. At the same time his mother began calling my dormitory during the late night to early morning hours, insisting on speaking to me concerning his health and needs. As a direct result of these calls, which often lasted for 20 - 30 minutes, I became restless and concerned and found it difficult to return to sleep.

In 1999, my wife, [REDACTED] was pregnant with our son, [REDACTED]. During her last trimester she encountered difficulty and required constant medical appointments and check ups.

On several occasions I felt it best to accompany her to these appointments/take her to the emergency room, due to her health at that time. Again, I contacted my unit, advised them of the situation, and the potential for not reporting on time and was given no indication that there would be any problem with supporting my spouse's medical needs at that time. It was only after arrival that I was advised and given 3 letters of counseling.

In 2000, my son, [REDACTED] began experiencing sleep disorders and seizures. Again several trips to the emergency room, an MRI appointment and other medical appointments often required my presence. On 5 occasions I reported to my section via telephone, advised them and was again assured that no problem existed. Again this was not the situation when I arrived to duty and was issued 3 letters of counseling.

In reference to the Letter of Counseling, dated October 25 2000, Use of Smokeless Tobacco, at the time I was told that I was in violation of using tobacco products I was in a training session with other Airman and NCO's who were also 'dipping.' I assumed, however in error, that our location and training status permitted us to use that tobacco product in that area. As soon as it was identified that this was not the case, I rid myself of the tobacco product and have not engaged in that activity in the work area since.

In reference to the Article 15, Entering the dormitory room of a member of the opposite sex, there is no defense. I was young, new to the Air Force, and foolish and made a foolish mistake. I believe that I made a serious error in judgment and paid for it.

The Article 15, Disrespect to a Noncommissioned Officer, dated 18 December 2000, occurred during a situation provoked by Tsgt [REDACTED] when a statement I made in October 2000 was perceived as inappropriate by my section Sergeant. He then called me into his office space with another NCO. The section Sergeant became extremely profane and began lambasting me about my inadequacies, lack of professionalism and attitude problems. I had just completed Anger Management Counseling (voluntary enrollment) and was advised by my counselor to remove myself from potentially volatile situations. I requested no less than three times respectfully to remove myself from the room as I felt that the conduct of the NCO was less than professional and was at the same time being lectured on professional conduct. The NCO refused to allow me to do so. This encounter resulted in my being charged with disrespect and the subsequent Article 15. The Article 15 was presented to me in December 2000. I consulted with the Inspector General Office regarding this incident and was advised that more than 60 days had passed since the occurrence of the incident and they were no longer able to advise or investigate this matter.

Gentlemen, I do not profess that I am without fault or could not improve my personal and professional demeanor. I have strived to make corrections when faults have been identified, to improve when offered the opportunity and to adjust when necessary to the circumstances involved. I do however feel that my entire career package was not considered when this discharge was initiated. I have always felt that the military career was my chosen path. I feel that I have served my country with dignity and honor. The discharge code assigned to my discharge paperwork prevents me from seeking any

further military service with any other military force. I believe that this is an injustice and am seeking your help in rectifying this situation. I firmly believe that I still have much to offer the military, be it Air Force or another service. I hope that you will offer me the opportunity to prove to both you and myself that I can be the type of service member who can make not only his family, but his country proud.

I thank you for your time and consideration of my request and look forward to your positive response.

Sincerely,





DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 28TH BOMB WING (ACC)
ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA

FD 2006-0466

MEMORANDUM FOR 28 BW/CC

FROM: 28 BW/JA

SUBJECT: Administrative Discharge – AB [REDACTED], 28 MXS

1. I have reviewed the proposed discharge action case file and find it legally sufficient to support a decision to separate Respondent with an under honorable conditions (general) discharge without Probation and Rehabilitation (P & R).

2. Background:

a. Respondent is a 20-year-old Mobile Hydrant Operator assigned to the 28th Maintenance Squadron. His TAFMSD is 24 Apr 96, and he began his six-year enlistment on 24 Apr 96. He was assigned to his present unit on 2 May 97.

b. Respondent's squadron commander properly notified Respondent of his recommendation to separate Respondent under the provisions of AFI 36-3208, Chapter 5, Section H, paragraph 5.49, for misconduct involving minor disciplinary infractions, with an under honorable conditions (general) discharge. Since Respondent is not entitled to a board hearing, this case has been properly pursued via the notification procedures of AFI 36-3208, Chapter 6, Section B.

3. Evidence for the Government: Respondent has a history of disciplinary problems and has failed to respond to any rehabilitative efforts.

a. Respondent did, at or near Sheppard Air Force Base, Texas, on or about 19 Jan 97, violate a lawful general instruction, to wit: paragraph 2.1.9, Sheppard Air Force Base, Instruction 36-2902, dated 25 Sep 96, by wrongfully entering the dormitory living quarters of a member of the opposite sex. For this action, Respondent was punished under Article 15, UCMJ, on 5 Feb 97. Punishment was reduction to the grade of airman, suspended forfeiture of \$505.00 pay per month for two months, and 30 days correctional custody. This Article 15 established Respondent's Unfavorable Information File (UIF).

b. On or about 9 Jun 97, Senior Airman [REDACTED] observed Respondent performing a wheel bearing inspection and repack without using a Technical Order (TO). Respondent had been briefed more than once on using TOs when performing his assigned tasks. For this action, Respondent received a Letter of Counseling (LOC) on 9 Jun 97.

c. Respondent did, on or about 1 Jul 97, fail to report at the time prescribed time to his appointed place of duty to wit: 28th Maintenance Squadron. For this action, Respondent received an LOC on 1 Jul 97.

d. Respondent did, on or about 11 Jul 97, contact Staff Sergeant [REDACTED] requesting that he be allowed to use a compensation day Respondent said he earned while working in the main shop. Respondent failed to inform SSgt [REDACTED] that he had previously contacted Technical Sergeant [REDACTED] with the same request and was told he was unaware of any compensation day due to Respondent. For this action, Respondent received an LOC on 12 Aug 97.

e. Respondent did, on or about 3 Sep 97, fail to report at the time prescribed to his appointed place of duty, to wit: 28th Maintenance Squadron. For this action, Respondent received an LOC on 3 Sep 97.

f. Respondent did, on or about 17 Aug 98, fail to report at the time prescribed to his appointed place of duty, to wit: 28th Maintenance Squadron. For this action, Respondent received an LOC on 17 Aug 98.

g. Respondent did, on or about 9 Sep 98, fail to report at the time prescribed to his appointed place of duty, to wit: 28th Maintenance Squadron. For this action, Respondent received an LOC on 9 Sep 98.

h. Respondent did, on or about 23 Aug 99, fail to report at the time prescribed to his appointed place of duty, to wit: 28th Maintenance Squadron. For this action, Respondent received an LOC on 23 Aug 99.

i. Respondent did, on or about 8 Sep 99, fail to report at the time prescribed to his appointed place of duty, to wit: 28th Maintenance Squadron. For this action, Respondent received an LOC on 8 Sep 99.

j. Respondent did, on or about 17 Jul 00, fail to report at the time prescribed to his appointed place of duty, to wit: 28th Maintenance Squadron. For this action, Respondent received an LOC on 17 Jul 00.

k. Respondent did, on or about 4 Oct 00, fail to report at the time prescribed to his appointed place of duty, to wit: 28th Maintenance Squadron. For this action, Respondent received an LOC on 4 Oct 00.

l. Respondent was, at or near Ellsworth Air Force Base, South Dakota, on or about 23 Oct 00, witnessed by Staff Sergeant [REDACTED] chewing tobacco at dock 21. It is unlawful to use any tobacco products inside any military facility. Respondent was verbally counseled for this on several occasions. For this action, Respondent received an LOC on 23 Oct 00. This LOC reestablished Respondent's Unfavorable Information File (UIF).

m. Respondent, at or near Ellsworth Air Force Base, South Dakota, on or about 22 Nov 00, was disrespectful in language toward Technical Sergeant [REDACTED], a superior non-commissioned officer, then known by Respondent to be a superior non-commissioned officer, who was then in the execution of his office, by saying to him "Until you show me respect, I won't show you any respect," or words to that effect. For this action, Respondent was punished under Article 15, UCMJ, on 18 Dec 00. Punishment was reduction to the grade of airman first class. This Article 15 was added to his UIF.

4. **Evidence for the Respondent:** Respondent's unit properly notified Respondent of his right to submit statements in his behalf for your consideration (Tab D). On 5 Mar 01, Respondent consulted counsel and submitted statements for your consideration (Tab H). Respondent states that he knows he can accomplish great things for his family and the Air Force if allowed the chance to stay on active duty. Respondent asks that he be given P & R so that he can prove to all of his superiors that he can be a benefit to the Air Force. Respondent also states that he knows he cannot only be a great father but an outstanding airman. Respondent further requested that if the decision is made to discharge him, that he be recommended for an honorable discharge.

5. **Discussion:** During his military career, Respondent has engaged in minor disciplinary infractions necessitating his administrative discharge. He received 11 LOCs, two Article 15s and three UIF entries. Although Respondent's unit did not ideally respond to Respondent's misconduct with progressive disciplinary action as relates to the 11 LOCs, the evidence in this package is still sufficient to support administrative discharge in this case. Respondent's misconduct is clearly incompatible with further military service. With regard to the characterization of his discharge, the negative aspects of Respondent's service outweigh any positive contributions he has made in his Air Force career. Accordingly, an under honorable conditions (general) discharge characterization is warranted. Respondent's continued disciplinary problems, despite the unit's efforts, demonstrate his poor rehabilitative potential. Therefore, I do not recommend P & R in conjunction with this discharge.

6. **Errors and Irregularities:** I note no errors or irregularities prejudicial to the Respondent's substantive or procedural rights.

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

- a. Direct retention, if you determine the evidence does not warrant discharge; or
- b. Forward this case to 8 AF/CC with the recommendation that the Respondent receive an honorable discharge with or without P & R; or
- c. Return this case to the unit for re-initiation, with the recommendation that the Respondent receive an under other than honorable conditions discharge; or
- d. Direct the Respondent's separation with an under honorable conditions (general) discharge with or without P & R.

8. **Recommendation:** Direct the Respondent's separation with an under honorable conditions (general) discharge without P & R. A proposed memorandum to that effect is attached for your signature.



Lt Col, USAF
Staff Judge Advocate

Attachments:

1. Proposed letter
2. Case file



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 28TH BOMB WING (ACC)
ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA

MEMORANDUM FOR AIRMAN FIRST CLASS [REDACTED]

FROM: 28 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct involving minor disciplinary infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will 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 discharge action are the following:

a. You did, at or near Sheppard Air Force Base, Texas, on or about 19 Jan 97, violate a lawful general instruction, to wit: paragraph 2.1.9, Sheppard Air Force Base, Instruction 36-2902, dated 25 Sep 96, by wrongfully entering the dormitory living quarters of a member of the opposite sex. For this action, you were punished under Article 15, UCMJ, on 5 Feb 97. Punishment was reduction to the grade of airman, suspended forfeiture of \$505.00 pay per month for two months, and 30 days correctional custody.

b. On or about 9 Jun 97, Senior Airman [REDACTED] observed you performing a wheel bearing inspection and repack without using a Technical Order (TO). You had been briefed more than once on using TOs when performing your assigned tasks. For this action, you received a Letter of Counseling (LOC) on 9 Jun 97.

c. You did, on or about 1 Jul 97, fail to report at the time prescribed time to your appointed place of duty to wit, 28th Maintenance Squadron. For this action, you received an LOC on 1 Jul 97.

d. You did, on or about 11 Jul 97, contact Staff Sergeant [REDACTED] requesting that you be allowed to use a comp day you said you earned while working in the main shop. You failed to inform SSgt [REDACTED] that you had previously contacted Technical Sergeant [REDACTED] with the same request and was told he was unaware of any comp day due to you. For this action, you received an LOC on 12 Aug 97.

e. You did, on or about 3 Sep 97, fail to report at the time prescribed to your appointed place of duty, to wit: 28th Maintenance Squadron. For this action you received an LOC on 3 Sep 97.

f. You did, on or about 17 Aug 98, fail to report at the time prescribed to your appointed place of duty, to wit: 28th Maintenance Squadron. For this action you received an LOC on 17 Aug 98.

g. You did, on or about 9 Sep 98, fail to report at the time prescribed to your appointed place of duty, to wit: 28th Maintenance Squadron. For this action you received an LOC on 9 Sep 98.

h. You did, on or about 23 Aug 99, fail to report at the time prescribed to your appointed place of duty, to wit: 28th Maintenance Squadron. For this action you received an LOC on 23 Aug 99.

i. You did, on or about 8 Sep 99, fail to report at the time prescribed to your appointed place of duty, to wit: 28th Maintenance Squadron. For this action you received an LOC on 8 Sep 99.

j. You did, on or about 17 Jul 00, fail to report at the time prescribed to your appointed place of duty, to wit: 28th Maintenance Squadron. For this action you received an LOC on 17 Jul 00.

k. You did, on or about 4 Oct 00, fail to report at the time prescribed to your appointed place of duty, to wit: 28th Maintenance Squadron. For this action, you received an LOC on 4 Oct 00.

l. You were, at or near Ellsworth Air Force Base, South Dakota, on or about 23 Oct 00, witnessed by Staff Sergeant [REDACTED] chewing tobacco at dock 21. It is unlawful to use any tobacco products inside any military facility. You were verbally counseled of this on several occasions. For this action, you received an LOC on 23 Oct 00. This LOC established your Unfavorable Information File (UIF).

m. You, at or near Ellsworth Air Force Base, South Dakota, on or about 22 Nov 00, were disrespectful in language toward Technical Sergeant [REDACTED] a superior non-commissioned officer, then known by you to be a superior non-commissioned officer, who was then in the execution of his office, by saying to him "Until you show me respect, I won't show you any respect," or words to that effect. For this action, you were punished under Article 15, UCMJ, on 18 Dec 00. Punishment was reduction to the grade of airman first class. This Article 15 was added to your UIF.

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 discharge 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 the Captain [REDACTED] Area Defense Counsel, 385-2158, 1000 Ellsworth Street, Suite 1700 on 1 ~~Dec~~ Mar 01 at 0800 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 5 ~~Feb~~ Mar 01 at 1530 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 matters 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 Section of the Base Clinic on ~~5 Feb 01~~ Feb 01 at 1620 hours for the examination. This is a mandatory appointment and you must be in uniform. You must report at least 15 minutes in advance to this appointment to complete necessary paperwork.
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.

 Lt Col, USAF
Commander

Attachments:

1. Supporting documents
 - a. Article 15/UIF - 5 Feb 97
 - b. LOC - 9 Jun 97
 - c. LOC - 1 Jul 97
 - d. LOC 12 Aug 97
 - e. LOC - 3 Sep 97
 - f. LOC - 17 Aug 98
 - g. LOC - 9 Sep 98
 - h. LOC - 23 Aug 99
 - i. LOC - 8 Sep 99
 - j. LOC - 17 Jul 00
 - k. LOC - 4 Oct 00
 - l. LOC/UIF - 23 Oct 00
 - m. Art 15/UIF - 18 Dec 00
2. Airman's Acknowledgment