

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
[REDACTED]		AMN	[REDACTED]			
TYPE GEN	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	DENY
[REDACTED]		X*				
[REDACTED]		X*				
[REDACTED]						X
[REDACTED]						X
[REDACTED]		X*				
ISSUES A93.33, A94.06		INDEX NUMBER A 67.90		EXHIBITS SUBMITTED TO THE BOARD		
				1	ORDER APPOINTING THE BOARD	
HEARING DATE 030603		CASE NUMBER FD2001-0553		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 Washington, D.C.  * Change reason for discharge to Secretarial Authority.						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT			
[REDACTED]			[REDACTED]			
INDORSEMENT			DATE: 030603			
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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE****CASE NUMBER****FD2001-0553**

**GENERAL:** The applicant appeals for upgrade of his general discharge to honorable. The applicant appeared and testified before the Board with counsel, at Andrews AFB MD on March 6, 2003. The applicant's father [REDACTED] was present and testified at the hearing.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge. The following additional exhibits were presented at the hearing; copy of a private pilots license, two letters of recommendation, a college transcript, a certificate of training, and an acknowledgement of "Local Area" policy dated July 28, 1999.

**FINDINGS:** The applicant's request to change the characterization of his discharge to honorable is granted. The DRB changed the narrative reason for the applicant's separation from "misconduct" to "Secretarial Authority."

**Issue:** After reviewing the applicant's record, the evidence he provided, and the documentary evidence in the file, the DRB concluded there was sufficient mitigation to substantiate upgrading the discharge. Specifically, the Board found the service characterization he received was too harsh. The Board noted the respondent experienced conflicts with his supervisors that may have played a role in how his actions were perceived. Although the DRB did not condone the applicant's misconduct, his youth and the relatively minor nature of his infractions convinced the Board that his service characterization should be upgraded to honorable. Though not requested by the applicant, the DRB decided to change the narrative reason for his separation from "misconduct" to Secretarial Authority.

None of the applicant's remaining issues will be addressed as their resolution in the applicant's favor would not result in greater relief than is being afforded by the Board.

The Board also reviewed and considered the applicant's entire service record before making a decision.

**CONCLUSIONS:** The DRB concludes the applicant's 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. However, in view of the foregoing findings, the DRB further concludes the applicant's service characterization should be changed from general to honorable and that the reason for discharge should be changed to Secretarial Authority.

**Attachment:**  
Examiner's Brief

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

[REDACTED]  
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 99/10/13 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 78/09/13. Enlmt Age: 18 10/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-83, E-82, G-76, M-91. PAFSC: 2A137 - Electronic Warfare Systems. DAS: 98/08/30.

b. Prior Sv: (1) AFRes 97/07/30 - 97/12/28 (4 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 97/12/29 for 4 yrs. Svd: 01 Yrs 09 Mo 15 Das, all AMS.

b. Grade Status: AMN - 99/07/29 (Article 15, Vacation, 99/09/13).

c. Time Lost: none.

d. Art 15's: (1) 99/09/13, Vacation, Cannon AFB, NM - Article 92. You, who knew of your duties, on or about 3 Sep 99, were derelict in the performance of those duties in that you willfully failed to satisfactorily clean the latrines in building 679, as it was your duty to do. Article 107. You did, on or about 3 Sep 99, with intent to deceive, make to SSgt -----, an official statement, to wit: "SSgt ----- checked my work," which statement was totally false, and was known by you to be so false. Reduction to Amn. (No appeal) (No mitigation)

(2) 99/07/29, Cannon AFB, NM - Article 92. You, having knowledge of a lawful order issued by MSgt ----- to inform your duty section of your whereabouts during a 10 day period of rest and reconstitution time by signing a log book with such information, an order which it was your duty to obey, did, between on or about 01 July 99, fail to obey the same. You, having knowledge of a lawful order issued by TSgt ----- to move back into Spangdahlem Military Family housing, building 408, apartment C-3 by the end of the weekend covering 26-27 June 99, an order which it was your duty to obey, did, between on or about 25 Jun 99 and on or about 28 Jun 99, fail to obey the same. Reduction to Amn (suspended until 28 Jan 00), 30 days restriction,

and 30 days extra duty. (Appeal/Denied) (No mitigation)

- e. Additional: LOR, 27 SEP 99 - Failure to obey a lawful order.  
 RIC, 24 AUG 99 - Dereliction of duty.  
 RIC, 23 AUG 99 - Dereliction of duty.  
 RIC, 30 MAY 99 - Failure to go.  
 RIC, 30 MAY 99 - Failure to go.  
 RIC, 24 FEB 99 - Failure to go.  
 RIC, 09 FEB 99 - Driving the wrong way through parking lot  
 after having been counseled not to.
- f. CM: none.
- g. Record of SV: 97/12/29 - 99/08/28 Cannon AFB 1 (Initial)REF  
 (Discharged from Cannon AFB)
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (02) Yrs (02) Mos (04) Das  
 TAMS: (01) Yrs (09) Mos (15) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/11/27.  
 (Change Discharge to Honorable)

Issue 1: I believe that my General Discharge was inequitable because two Sgts by the name of Sgt ----- and Sgt ----- had a personal vendetta to get me discharged from the Air Force and communicated that with the rest of the staff members in the shop. All of the issues are based on petty incidences which were definitely subject to personal interpretation by these two sergeants. For example, being written up by Sgt ----- for driving the wrong direction through an empty parking lot at midnight after leaving my workshift. After being written up, he told me "he didn't like me" and therefore wrote me up. Other incidents were that the latrines were not cleaned properly, the insides of washing machines not being cleaned thoroughly, weeds not properly being pulled. These incidents happened while stationed at Cannon AFB, NM.

I had other incidents that occurred while I was stationed in Spangdahlem, Germany which I think was based on a conspiracy to have me discharged by the staff members who had associated with Sgts ----- and ----- in NM. For example, I was written up for being late to work, although I was only late once during my tour. Also, while in Germany, I was made out as an outcast with other Airmen not speaking to me or even eating with me. After I returned to Cannon, NM I was issued an Article 15 for not signing out on the weekend logbook while I had official leave. Other Airmen who failed to sign out were not given an Article 15. I feel that I was unjustly discharged with a General discharge that should be reversed to an Honorable discharge. I want to move on with my life and don't want this Military discharge holding me back.

ATCH  
 none.

02/04/05/ia



FD 2001-0533

## DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 27th FIGHTER WING (ACC)  
CANNON AIR FORCE BASE NEW MEXICO

04 OCT 1999

MEMORANDUM FOR AMN [REDACTED]

FROM: 27 CRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, a pattern of misconduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 27 Sep 99, you failed to obey a lawful order, by wearing the rank of Airman First Class after you had been reduced to the grade of Airman by a vacation of suspended Nonjudicial Punishment dated 13 Sep 99. This misconduct is evidenced by a Letter of Reprimand, dated 27 Sep 99, (Atch 1a).

b. On or about 3 Sep 99, you were derelict in your duties by failing to clean the latrines in building 679 as it was your duty to do so. On or about 3 Sep 99, with intent to deceive [REDACTED] you made a false official statement. This misconduct is evidenced by a Vacation of Nonjudicial Punishment, dated 16 Sep 99, (Atch 1b).

c. On or about 22 Aug 99, you were derelict in your duties by failing to clean the laundry room in dorm 555, as evidenced by a Record of Individual Counseling, dated 24 Aug 99, (Atch 1c).

d. On or about 23 Aug 99, you were derelict in your duties failing to perform your extra duties, including the removal of weeds and cleaning the dayroom, as instructed. This misconduct is evidenced by a Record of Individual Counseling, dated 23 Aug 99, (Atch 1d).

e. Between on or about 1 Jul 99 and 12 Jul 99, you were derelict in your duties by failing to inform your superiors of your whereabouts during a ten day rest period. Also between on or about 25 Jun 99 and 28 Jun 99 you failed to obey a lawful order given to you by [REDACTED] to move into military housing in Spangdahlem Air Base, Germany. This misconduct is evidenced by an Article 15 action, dated 29 Jul 99 and an Unfavorable Information File, dated 9 Aug 99, (Atch 1e).

f. On or about 27 May 99, you failed to go to your appointed place of duty at the prescribed time, as evidenced by a Record of Individual Counseling, dated 30 May 99, (Atch 1f).

g. On or about 29 May 99, you failed to go to your appointed place of duty at the prescribed times, as evidenced by a Record of Individual Counseling, dated 30 May 99, (Atch 1g).

h. On or about 24 Feb 99 and 25 Feb 99, you failed to go to your appointed place of duty at the prescribed times on two occasions, as evidenced by a Record of Individual Counseling, dated 25 Feb 99, (Atch 1h).

i. On or about 9 Feb 99, you drove the wrong way through the parking lot of building 679 after having been counseled not to, as evidenced by a Record of Individual Counseling, dated 9 Feb 99, (Atch 1i).

j. On or about 11 Sep 98, you were derelict in the performance of your duties as bay orderly, by leaving your bay orderly assignment, as evidenced by a Letter of Counseling, dated 11 Sep 98, (Atch 1j).

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. Special pay, bonuses, 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 [REDACTED] at building 327, ext. 2915, on \_\_\_\_\_ at \_\_\_\_\_ 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 within 3 workdays from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination at the 27th Medical Group on 7 Oct 99 at 0730.

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 unit orderly room.



**Attachments:**

1a. Letter of Reprimand, dated 27 Sep 99

1b. Vacation of Nonjudicial Punishment, dated 13 Sep 99