

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

|   |                     |                                     |  |  |      |
|---|---------------------|-------------------------------------|--|--|------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) |                     | GRADE                               | AFSN/SSAN  |  |      |
| [REDACTED]  |                     | AB                                  | [REDACTED]   |  |      |
| TYPE  | PERSONAL APPEARANCE |                                     | X RECORD REVIEW  |  |      |
| COUNSEL   |                     | NAME OF COUNSEL AND OR ORGANIZATION |  | ADDRESS AND OR ORGANIZATION OF COUNSEL |      |
| YES   | NO                  |                                     |  |  |      |
|   | X                   |                                     |  |  |      |
| MEMBERS SITTING                                     |                     | VOTE OF THE BOARD                   |  |  |      |
|   |                     | HON                                 | GEN  | UOHC                                   | DENY |
| [REDACTED]  |                     |                                     |  |  | X    |
| [REDACTED]  |                     |                                     |  |  | X    |
| [REDACTED]  |                     |                                     |  |  | X    |
| [REDACTED]  |                     |                                     |  |  | X    |
| [REDACTED]  |                     |                                     |  |  | X    |
| ISSUES  | INDEX NUMBER        | EXHIBITS SUBMITTED TO THE BOARD     |  |  |      |
| A95.00  | 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                                      |  |      |
| 1 JUL 03  | FD2002-0001         |                                     | 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, 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: 1 JUL 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<sup>RD</sup> FLOOR  
 ANDREWS AFB, MD 20762-7002

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD03-0001

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

**ISSUE:** The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received two Article 15s for burning candles in his dormitory room and for willfully destroying a dormitory bench by dropping it from the 3<sup>rd</sup> floor of the dormitory. In addition, he also received two Letters of Reprimand for underage drinking, consuming alcohol prior to reporting for duty, and allowing a fellow airman to operate a motor vehicle while under the influence of intoxicants. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of 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.

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

[REDACTED]

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 11 Jul 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 10 Sep 82. Enlmt Age: 17 8/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-44, E-55, G-37, M-43. PAFSC: 2W131E - F-15 Aircraft Armament Systems Apprentice. DAS: 15 May 01.

b. Prior Sv: (1) AFRes 31 May 00 - 11 Sep 00 (3 Months 12 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 12 Sep 00 for 6 yrs. Svd: 1 Yr 10 Mos 0 Das, all AMS.

b. Grade Status: AB - 17 Jun 02 (Article 15, 17 Jun 02)  
A1C - 10 Nov 00

c. Time Lost: None.

d. Art 15's: (1) 17 Jun 02, Seymour Johnson AFB, NC - Article 92. You, who knew of your duties, on or about 30 May 02, were derelict in the performance of those duties in that you willfully failed to abstain from burning candles in your dormitory room, as it was your duty to do. Reduction to AB. (Appeal/Denied) (No mitigation)

(2) 10 Jun 02, Seymour Johnson AFB, NC - Article 108. You did, on or about 24 May 02, without proper authority, willfully destroy a dormitory bench by dropping the bench from the 3<sup>rd</sup> floor of the dormitory, Building 3606, military property of the United States the amount of said damage being in excess of \$100.00. Forfeiture of \$336.00. (No appeal) (No mitigation)

e. Additional: LOR, 15 MAR 02 - Allowing a fellow airman to operate a motor vehicle while under the influence of intoxicants.

LOR, 04 FEB 02 - Underage drinking and consuming alcohol prior to reporting for duty.

f. CM: None.

g. Record of SV: 12 Sep 00 - 15 Apr 02 Seymour Johnson AFB 3 (Dir by HAF)

(Discharged from Seymour Johnson AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (1) Mos (11) Das  
TAMS: (1) Yrs (10) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Dec 02.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

**ATCH**

None.

6Mar03/cr



DEPARTMENT OF THE AIR FORCE

4TH FIGHTER WING (ACC)  
SEYMOUR JOHNSON AIR FORCE BASE NC

1 Jul 2002

MEMORANDUM FOR AB [REDACTED]

FROM: 336 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically for minor disciplinary infractions. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. According to Table 1.3 of AFI 36-3208, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action:

a. On or about 14 December 2001, you did, consume intoxicants while under the legal age of 21. For this misconduct, you received a Letter of Reprimand, an Unfavorable Information File was established, and you were placed on the Control Roster. These actions are documented by an AF Form 1058, dated 11 February 2002 with attachments (Tab 1a).

b. On or about 2 March 2002, you allowed another military member to operate a motor vehicle while he was under the influence of intoxicants. For this misconduct, you received a Letter of Reprimand. These actions are documented by a Letter of Reprimand, dated 15 March 2002 (Tab 1b).

c. On or about 24 May 2002, you willfully destroyed a dormitory bench, military property of the United States. For this misconduct, you received an Article 15. These actions are documented by an AF Form 3070, dated 4 June 2002 (Tab 1c).

d. On or about 30 May 2002, you were derelict in the performance of your duties in that you willfully failed to abstain from burning candles in your dormitory room, as it was your duty to do. For this misconduct, you received an Article 15. These actions are documented by an AF Form 3070, dated 10 June 2002 (Tab 1d).

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.

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 Captain [REDACTED] Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on 2 Jul 02 (date) at 1030 (time). 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 8 Jul 2002 (allow three duty days) 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 mandatory medical examination at the Blue Team on 2 July 2002 at 1120 hours with PA [REDACTED]. You must report 15 minutes prior to your scheduled appointment time.
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 at the unit orderly room or the Area Defense Counsel office.
9. Execute the attached acknowledgement and return it to me immediately.

[REDACTED]  
Commander, 336 FS

Attachments:

Supporting Documentation:

- a. AF Form 1058, dated 11 February 2002 with attachments
- b. Letter of Reprimand, dated 15 March 2002
- c. AF Form 3070, dated 4 June 2002
- d. AF Form 3070, dated 10 June 2002